

# Legislative Analysis

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## NO SEIZURE OF LAWFULLY-POSSESSED GUNS DURING EMERGENCIES

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**House Bills 6363 and 6364**

**Sponsor: Rep. Scott Hummel**

**Committee: Government Operations**

**Complete to 9-6-06**

### **A SUMMARY OF HOUSE BILLS 6363 AND 6364 AS INTRODUCED 8-29-06**

House Bills 6363 and 6364 would amend the laws relating to the governor's powers during declared states of disaster or emergency to make clear that such laws do not authorize the seizure or confiscation of lawfully-possessed firearms.

Under the Emergency Management Act (Public Act 30 of 1976), after declaring a state of disaster or emergency, the governor's authority includes "suspend[ing] or limit[ing] the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles." House Bill 6363 would amend the act (MCL 30.405) to add the caveat: "However, this subdivision does not authorize the seizure, taking, or confiscation of firearms that are lawfully possessed."

House Bill 6364 would make a similar change to Public Act 302 of 1945 (MCL 10.31) relating to the emergency powers of governors. Under that law, after declaring a state of emergency, the governor may promulgate orders, rules and regulations necessary to protect life and property and to bring an emergency situation under control, including rules that provide for "control of the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition." The bill would make clear that this section "does not authorize the seizure, taking, or confiscation of firearms that are lawfully possessed." The bill also makes numerous other stylistic or grammatical changes.

### **FISCAL IMPACT:**

The bills would have no fiscal impact on the state or on local governments.

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