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BILL ANALYSIS



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House Bill 4431 (Substitute H-3 as discharged)
Sponsor: Representative Mark Meadows
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to allow a law enforcement agency that seized or otherwise came into possession of a firearm or part of a firearm subject to disposal to retain the firearm or part of a firearm for certain purposes, instead of forwarding it to the Michigan Department of State Police (MSP) for disposal as currently required.

Specifically, a law enforcement agency could retain a firearm or part of a firearm for legal sale or trade to a federally licensed firearm dealer or for official use by members of the seizing agency who were employed as peace officers. The agency would have to complete a record of the transaction and retain a receipt of the sale or trade for at least seven years. Receipts would have to be available for inspection by the MSP and for auditing by the State and local unit of government.

Before selling or retaining a firearm under the bill, a law enforcement agency would have to determine whether the firearm had been reported lost or stolen and, if it had been and the owner's name and address could be determined, provide 30 days' notice for the owner to claim the firearm. The agency also would have to provide 30 days' notice to the public on an agency website of its intent to dispose of the firearm, and allow the owner to claim the firearm during that period.

The bill also would revise procedures for the MSP to dispose of forfeited weapons, making them consistent with the procedures described above for other law enforcement agencies.

The MSP and a law enforcement agency would be immune from civil liability for disposing of a firearm in compliance with the bill.

The bill is tie-barred to Senate Bill 212, which would make similar revisions to the handgun licensure law.

MCL 750.239 & 750.239a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government, but could potentially result in savings for law enforcement agencies from the allowed use of confiscated firearms for official use and some added financial support from their sale. Currently, the Department of State Police is to dispose of any weapons it has confiscated or any weapons sent to it by law enforcement agencies. For calendar year 2009, the total number of confiscated firearms received by the Department was 8,395, which included 5,250 handguns and 3,145 long guns.

Date Completed: 12-1-10

Fiscal Analyst: Bruce Baker

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