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Senate Bill 212 (as introduced 2-11-09) Sponsor: Senator Roger Kahn, M.D.

Committee: Judiciary

Date Completed: 9-21-10

## **CONTENT**

The bill would amend the handgun licensure Act to allow a police agency to retain a weapon confiscated for a violation of the Act for official use by the agency, and to grant civil immunity to a police agency that retained a weapon.

Under Section 14 of the Act, all pistols, weapons, or devices carried or possessed contrary to the Act are forfeited to the State and must be turned over to the Michigan Department of State Police (MSP) for disposal. The MSP must dispose of firearms by conducting a public auction or destroying the weapons, or by any other lawful manner prescribed by the MSP Director.

Before disposing of a firearm, the MSP Director must determine whether it has been reported lost or stolen and, if so, give the owner 30 days' written notice of the intent to dispose of the firearm. The Director also must provide an additional 30 days' notice on the MSP website of the intent to dispose of the firearm. The MSP must allow the firearm's owner to claim it within either 30-day period if he or she is authorized to possess the firearm.

The bill specifies Section 14 would not prohibit a police agency from retaining any pistol, weapon, or device carried or possessed in violation of the Act for the agency's official use, including for training or educational purposes. The police agency would have to comply with the notice requirements described above for any pistol, weapon, or device retained under the bill.

A police agency would be immune from civil liability for retaining a pistol, weapon, or device in compliance with the bill.

"Police agency" would mean one or more of the following:

- -- The MSP.
- -- A city, township, or village police department.
- -- A community college, college, or university police department.
- -- A county sheriff's department.
- -- The law enforcement division of the Department of Natural Resources and Environment.

MCL 28.434 Legislative Analyst: Patrick Affholter

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## **FISCAL IMPACT**

The bill would have an insignificant fiscal impact on State and local government, but could potentially result in savings from the use of confiscated weapons for official use by law enforcement agencies.

Fiscal Analyst: Bruce Baker

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.