

HOUSE BILL No. 5324

February 13, 2014, Introduced by Reps. Jenkins, Nesbitt, McBroom, Rendon, Pettalia, Cotter, Crawford, LaVoy, MacGregor, Lauwers, Pscholka, MacMaster, Heise, Schmidt, Dianda and Kivela and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 2b (MCL 28.422b), as amended by 2001 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2b. (1) Except as provided in subsection ~~(6)~~, (5), upon
2 entry of an order or disposition into the law enforcement
3 information network under any provision of law described in section
4 2(3)(a), the department of state police shall immediately send

1 written notice of that entry to the person who is the subject of
2 the order or disposition. The notice shall be sent by first-class
3 mail to the last known address of the person. The notice shall
4 include at least all of the following:

5 (a) The name of the person.

6 (b) The date the order or disposition was entered into the law
7 enforcement information network.

8 (c) A statement that the person cannot obtain a license to
9 purchase a pistol or obtain a concealed weapon license until the
10 order or disposition is removed from the law enforcement
11 information network.

12 (d) A statement that the person may request that the state
13 police correct or expunge inaccurate information entered into the
14 law enforcement information network.

15 (2) A person who is the subject of an order entered into the
16 law enforcement information network under any provision of law
17 described in section 2(3)(a) may request that the department of
18 state police do either of the following:

19 (a) Amend an inaccuracy in the information entered into the
20 law enforcement information network under any provision of law
21 described in section 2(3)(a).

22 (b) Expunge the person's name and other information concerning
23 the person from the law enforcement information network regarding 1
24 or more specific entries in the law enforcement information network
25 under any provision of law described in section 2(3)(a) because 1
26 or more of the following circumstances exist:

27 (i) The person is not subject to an order of involuntary

1 commitment in an inpatient or outpatient setting due to mental
2 illness.

3 (ii) The person is not subject to an order or disposition
4 determining that the person is legally incapacitated.

5 (iii) The person is not subject to a personal protection order
6 issued under any of the following:

7 (A) Section 2950 of the revised judicature act of 1961, 1961
8 PA 236, MCL 600.2950.

9 (B) Section 2950a of the revised judicature act of 1961, 1961
10 PA 236, MCL 600.2950a.

11 (C) Section 14 of 1846 RS 84, MCL 552.14.

12 (iv) The person is not subject to an order for release subject
13 to protective conditions that prohibits the purchase or possession
14 of a firearm by the person issued under section 6b of chapter V of
15 the code of criminal procedure, 1927 PA 175, MCL 765.6b.

16 (3) Before the expiration of 30 days after a request is made
17 to amend an inaccuracy in the law enforcement information network
18 under subsection (2)(a) or to expunge 1 or more specific entries
19 from the law enforcement information network under subsection
20 (2)(b)(i) to (iv), the department of state police shall conduct an
21 investigation concerning the accuracy of the information contained
22 in the law enforcement information network, either grant or deny
23 the request and provide the person with written notice of that
24 grant or denial. A notice of denial shall include a statement
25 specifying the basis of the denial, and that a person may appeal
26 the denial pursuant to the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328.

1 (4) If the department of state police refuses a request by a
2 person for amendment or expunction under subsection (2), or fails
3 to act within 30 days after receiving the request under subsection
4 (2), the person may request a hearing before a hearing officer
5 appointed by the department of state police for a determination of
6 whether information entered into the law enforcement information
7 network should be amended or expunged because it is inaccurate or
8 false. The department of state police shall conduct the hearing
9 pursuant to the administrative procedures act of 1969, 1969 PA 306,
10 MCL 24.201 to 24.328.

11 ~~—— (5) Information contained in an order or disposition filed~~
12 ~~with the department of state police under any provision of law~~
13 ~~described in section 2(3)(a)(i) to (vii) is exempt from public~~
14 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
15 ~~15.231 to 15.246.~~

16 (5) ~~(6)~~ The department of state police shall not send written
17 notice of an entry of an order or disposition into the law
18 enforcement information network as required for a personal
19 protection order issued under section 2950 or 2950a of the revised
20 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,
21 until that department has received notice that the respondent of
22 the order has been served with or has received notice of the
23 personal protection order.

24 Enacting section 1. This amendatory act does not take effect
25 unless all of the following bills of the 97th Legislature are
26 enacted into law:

27 (a) Senate Bill No. ____ or House Bill No. 5325 (request no.

- 1 04850'14).
- 2 (b) House Bill No. 4155.
- 3 (c) Senate Bill No. ____ or House Bill No. 5327 (request no.
- 4 04851'14).
- 5 (d) Senate Bill No. ____ or House Bill No. 5328 (request no.
- 6 04853'14).
- 7 (e) Senate Bill No. ____ or House Bill No. 5326 (request no.
- 8 04854'14).
- 9 (f) Senate Bill No. 49.
- 10 (g) Senate Bill No. ____ or House Bill No. 5329 (request no.
- 11 00974'13 a).