

FIREARMS RESTRICTIONS

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<http://www.house.mi.gov/hfa>

House Bill 4587 as introduced
Sponsor: Rep. Jason Woolford
House Committee: Judiciary
Complete to 11-10-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4587 would amend the Revised Judicature Act to provide for certain requirements related to *firearms disabilities*, which are restrictions on an individual's ability to purchase or receive firearms or ammunition. The bill also would provide for a process by which individuals subject to certain firearms disabilities may petition a court to remove them.

Identifying information

Under the bill, the clerk of a court that orders a commitment or makes a finding or adjudication under state law by which an individual becomes subject to federal firearms disabilities under 18 USC 922(d)(4) and (g)(4)¹ would be required to forward to the Department of State Police (MSP) only that information that is "necessary"² to identify the individual. These provisions of federal law restrict the ability of individuals with certain mental health adjudications (including commitments) from purchasing or possessing a firearm or ammunition.

Upon receipt of the identifying information, MSP would be required to forward it to the Federal Bureau of Investigation (or its successor agency) for the sole purpose of inclusion in the National Instant Criminal Background Check System (NICS) database.

Notification requirement

The clerk of the court issuing an order or adjudication described above would be required to notify the individual of the prohibitions of 18 USC 922(d)(4) and (g)(4).

Petitions for relief

Under the bill, individuals who are subject to firearms disabilities under any of the following provisions because of an adjudication or commitment that occurred under Michigan law could petition the court in which the adjudication or commitment proceeding occurred, or the circuit court with jurisdiction over their county of residence, to remove the firearms disabilities:

- 18 USC 922(d)(4) or (g)(4).
- Various sections of 1927 PA 372 (known as the firearm licensure act)³ that prohibit the issuance of a concealed pistol license (CPL) to, or the possession or acquisition of a firearm by, an individual to which any of the following apply:
 - The individual is subject to an order of involuntary hospitalization or combined hospitalization and assisted outpatient treatment issued under section 464a of the Mental Health Code.⁴ [Section 2(3)(a)(i) or 5b(7)(d)(i)]

¹ <https://www.law.cornell.edu/uscode/text/18/922>

² The bill does not define what identifying information would be considered "necessary."

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Act-372-of-1927>

⁴ <https://legislature.mi.gov/Laws/MCL?objectName=mcl-330-1464a>

- The individual is subject to an order finding that they are legally incapacitated issued under section 5107 of the Estates and Protected Individuals Code.⁵ [Section 2(3)(a)(ii) or 5b(7)(d)(ii)]
- The individual is subject to a disposition under section 16b of Chapter IX of the Code of Criminal Procedure due to having been found not guilty by reason of insanity of any offense. [Section 2(3)(a)(vii) or 5b(7)(d)(v)]
- The individual has been found guilty but mentally ill of any crime. [Section 5b(7)(j)]
- The individual has offered a plea of not guilty of by reason of insanity for any crime or been acquitted of any crime by reason of insanity. [Section 5b(7)(j)]
- The individual is or has been subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness. [Section 5b(7)(k)]
- The individual has not filed, in applying for a concealed pistol license, a statement that they do not have a diagnosis of mental illness that includes an assessment that the individual presents a danger to themselves or another individual (regardless of whether the applicant is receiving treatment for that illness). [Section 5b(7)(l)]
- The applicant is under a court order of legal incapacity in Michigan or elsewhere.⁶ [Section 5b(7)(m)]

A copy of the petition for relief would have to be served on the attorney who represented the state in the underlying case or proceeding, if any, or that attorney's successor in office. That attorney could represent the interests of the state in the restoration proceedings as they consider appropriate.

An individual subject to firearms disabilities could petition for relief only once every two years. If the individual was committed to a mental health facility, they could not petition for relief before being discharged from that commitment.

Restoration proceedings

A court receiving a petition for relief described above would have to receive and consider evidence in a closed proceeding, including evidence offered by the petitioner, concerning all of the following:

- The circumstances regarding the firearm disabilities from which relief is sought.
- The petitioner's mental health and criminal history records, if any.
- The petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence.
- Changes in the petitioner's condition or circumstances since the original adjudication, commitment, or diagnosis relevant to the relief sought.

If the court finds, by a *preponderance of the evidence*,⁷ that the petitioner will not be likely to act in a manner dangerous to public safety and that granting the relief will not be contrary to the public interest, the court would have to grant the petition for relief.

⁵ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-700-5107>

⁶ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-28-425b>

⁷ *Preponderance of the evidence* is an evidentiary standard that requires demonstrating that a proposition is more likely true than not true. Under this standard, the burden of proof is satisfied when the party with the burden convinces the judge or jury that there is a greater than 50 percent chance their claim is true.

A record would have to be kept of the restoration proceedings, but the record would have to remain confidential and could only be disclosed to a court or the parties in the event of an appeal. A petitioner could appeal the denial of the requested relief, which would have to be reviewed *de novo*⁸ by the appellate court.

The clerk of the court would have to promptly notify MSP of an order granting relief from firearms disabilities. As soon as practicable after receiving that notification (but within 10 business days), MSP would have to remove any applicable record in the Law Enforcement Information Network (LEIN) and any other database that MSP makes available to the NICS system, as well as notify the United States Attorney General that the basis for the record being made available no longer applies.

Proposed MCL 600.2908

FISCAL IMPACT:

House Bill 4587 would have an indeterminate fiscal impact on local court funding units. Costs would be incurred depending on how provisions of the bill affected court caseloads and the related administrative costs. It is difficult to project the actual fiscal impact due to variables such as the number, types, and complexity of court cases.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

⁸ *De novo* review occurs when an appellate court decides an issue as if the lower court (usually a trial court) had not rendered a decision.