

Public Policy Position
SB 0856 – SB 0858

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,642 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On March 5, 2022, the Section adopted its position after a discussion and vote at a scheduled meeting. 15 members voted in favor of the Section's position, 1 member voted against this position, 0 members abstained, 5 members did not vote.

Oppose

Explanation:

The Family Law Section opposes this legislation based largely upon due process and 2nd Amendment concerns, as well as for the potential for abuse. The concept of a former spouse or disgruntled family member petitioning the court to seize one's property based upon "reasonable cause" that the individual may pose a risk is simply too low of a burden. Better solution may be to address these concerns in existing PPO statute or mental health code by expanding the class of individuals who may bring such actions. Police agencies have also objected to similar bills in the past because they don't want the liability, nor do they have the capacity to store these firearms, nor is any funding provided to them to do so.

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