

Legislative Analysis



DISPOSITION OF FIREARMS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 6144 and 6145 as introduced
Sponsor: Rep. Felicia Brabec

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

House Bill 6146 as introduced
Sponsor: Rep. Natalie Price

Committee: Military, Veterans and Homeland Security
Complete to 12-3-24

SUMMARY:

The bills would amend three different acts to require law enforcement agencies to destroy or retain for their own use, and not sell or trade, firearms that they possess because of forfeiture or buyback programs.

House Bill 6144 would amend 1935 PA 59 to require the Department of State Police (MSP) to destroy all firearms turned over to it that were purchased by a municipality under a gun buyback program. MSP would have to ensure that all parts of the firearms are destroyed, and it would be prohibited from reselling any of the firearms.

Proposed MCL 28.5a

House Bills 6145 and 6146 would respectively amend 1927 PA 372 (which generally requires a license to purchase or possess a pistol or to purchase a firearm that is not a pistol) and the Michigan Penal Code. The bills would make the same changes to those acts.

Each act now provides that all pistols, weapons, or devices carried or possessed contrary to its provisions are forfeited to the state and must be turned over to the director of MSP or their representative for disposal. After determining whether the firearm was lost or stolen and providing public notice, the director can dispose of forfeited firearms in any of the following ways:

- By destroying them.
- By selling them at auction.
- In any other lawful manner the director prescribes.

The bills would eliminate the latter two options and require the director to destroy the forfeited firearms. The director would have to ensure that all parts of a firearm disposed of under these provisions are destroyed.

Each act also now allows a law enforcement agency that seizes or otherwise comes into possession of a firearm or a part of a firearm to retain it, instead of forwarding it to MSP, for either of the following purposes:

- For official use by peace officers employed by the law enforcement agency. (A firearm or firearm part retained for these purposes cannot be sold.)
- For legal sale or trade to a federally licensed firearm dealer.

The bill would eliminate the second option above and allow law enforcement agencies to retain seized firearms or parts of firearms only for official use by their peace officers.

MCL 28.434 and 28.434a (HB 6145)

MCL 750.239 and 750.239a (HB 6146)

FISCAL IMPACT:

A fiscal analysis is in progress.

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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.