

Legislative Analysis



DESTRUCTION OF CERTAIN FIREARMS

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House Bills 6144 and 6145 (H-1) as reported from committee
Sponsor: Rep. Felicia Brabec

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

House Bill 6146 (H-1) as reported from committee
Sponsor: Rep. Natalie Price

Committee: Military, Veterans and Homeland Security
Revised 1-24-25

(Enacted as Public Acts 265, 266, and 267 of 2024)

SUMMARY:

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 amend the firearms licensure act (1927 PA 372) and the Michigan Penal Code, respectively. Each act requires pistols, weapons, or devices carried or possessed in violation of its provisions to be forfeited to the state and turned over to the director of MSP or their representative for disposal. After determining whether they were lost or stolen and providing public notice, the director can dispose of the forfeited firearms as follows:

- 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 firearms (still after determining whether they were lost or stolen and providing public notice). The director would have to ensure that all parts of the firearms are destroyed.

HB 6145: MCL 28.434

HB 6146: MCL 750.239

BACKGROUND:

The Department of State Police disposed of 11,582 firearms in 2023. The firearms were transferred to a Missouri-based business called Gunbusters, which would destroy a firearm's receiver (the piece that anchors the other components, also called the frame) and sell the remaining parts.¹ Because of the income that can be generated from parts sales, Gunbusters and similar firms generally do not charge police agencies for destroying the receiver.

¹ Under federal guidelines (<https://www.atf.gov/firearms/how-properly-destroy-firearms>), melting, shredding, or crushing the receiver is an acceptable way to destroy a firearm. However, federal regulators say that it is not a best practice (<https://www.detroitnews.com/story/news/local/michigan/2024/03/12/michigan-state-police-will-no-longer-send-firearms-to-gunbusters-company-that-sold-gun-parts/72947580007/>) due to the concerns described below.

In December 2023, an article² in the *New York Times* described the Gunbusters process (destruction of receiver, sale of parts) and contrasted it with the expectation of those conducting gun buyback events (including in Flint³) that the firearms they collected would be wholly melted down. Because a firearm's receiver is the component that contains its required serial number, concerns were raised that the sale of parts kits could facilitate the creation and use of untraceable firearms ("ghost guns") by online purchasers of separate components, particularly those who could not pass a background check to buy a "whole" firearm.

At least partially in response to those concerns, MSP paused disposal of firearms in January 2024, and two months later announced that, going forward, a Michigan scrap metal processing facility will handle disposal of firearms by destroying the entire weapon (not just its receiver).⁴ The bills would appear to codify this procedure.⁵

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of St. David's Firearm Disposal and the Coalition to End Gun Violence in Michigan testified in support of the bills. (12-3-24)

The following entities indicated support for the bills:

- Michigan State Police (12-3-24)
- Brady United Against Gun Violence (12-10-24)
- City of Ann Arbor (12-3-24)
- Every Town for Gun Safety (12-3-24)
- Gifford Foundation (12-10-24)
- League of Women Voters of Michigan (12-10-24)

The following entities indicated a neutral position on House Bills 6145 and 6146 (12-10-24):

- Michigan Association of Chiefs of Police
- Michigan Sheriffs' Association

Representative of the following entities testified in opposition to the bills (12-3-24):

- Michigan Open Carry
- National Rifle Association

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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.

² <https://www.nytimes.com/2023/12/10/us/guns-disposal-recycling.html>

³ <https://www.cityofflint.com/flint-gun-bounty-program-takes-68-assault-rifles-out-of-action/>

⁴ <https://www.michigan.gov/mspnewsroom/news-releases/2024/03/12/official-statement>

⁵ It is unclear whether (or when) MSP has opted to sell firearms, rather than disposing of them. According to news reports, the arrangement with Gunbusters began in 2020; before that, MSP melted the applicable firearms in foundries. (<https://www.mlive.com/news/flint/2023/12/flint-officials-say-they-were-unaware-gun-parts-from-buybacks-were-not-destroyed.html>)