

SUBSTITUTE FOR
HOUSE BILL NO. 6146

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 239 (MCL 750.239), as amended by 2010 PA 294.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 239. (1) Except as provided in subsection (2) and subject
2 to section 239a, all pistols, weapons, or devices carried,
3 possessed, or used contrary to this chapter are forfeited to ~~the~~
4 **this** state and ~~shall must~~ be turned over to the department of state
5 police for disposition as determined appropriate by the director of
6 the department of state police or ~~his or her~~ **the director's**
7 designated representative.

8 (2) The director of the department of state police shall
9 dispose of firearms under this section by ~~1 of the following~~

1 ~~methods:~~

2 ~~(a) By conducting a public auction in which firearms received~~
3 ~~under this section may be purchased at a sale conducted in~~
4 ~~compliance with section 4708 of the revised judicature act of 1961,~~
5 ~~1961 PA 236, MCL 600.4708, by individuals authorized by law to~~
6 ~~possess those firearms.~~

7 ~~(b) By destroying them.~~ **The director shall ensure that all**
8 **parts of a firearm disposed of under this section are destroyed.**

9 ~~(c) By any other lawful manner prescribed by the director of~~
10 ~~the department of state police.~~

11 (3) Before disposing of a firearm under this section, the
12 director of the department of state police shall do both of the
13 following:

14 (a) Determine through the law enforcement information network
15 whether the firearm has been reported lost or stolen. If the
16 firearm has been reported lost or stolen and the name and address
17 of the owner can be determined, the director of the department of
18 state police shall provide 30 days' written notice of ~~his or her~~
19 **the director's** intent to dispose of the firearm under this section
20 to the owner, and allow the owner to claim the firearm within that
21 30-day period if ~~he or she~~ **the owner** is authorized to possess the
22 firearm.

23 (b) Provide 30 days' notice to the public on the department of
24 state police website of ~~his or her~~ **the director's** intent to dispose
25 of the firearm under this section. The notice ~~shall~~ **must** include a
26 description of the firearm and ~~shall~~ state the firearm's serial
27 number, if the serial number can be determined. The department of
28 state police shall allow the owner of the firearm to claim the
29 firearm within that 30-day period if ~~he or she~~ **the owner** is

1 authorized to possess the firearm. The 30-day period required under
2 this subdivision is in addition to the 30-day period required under
3 subdivision (a).

4 (4) The department of state police is immune from civil
5 liability for disposing of a firearm in compliance with this
6 section.