

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.239.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 2, 2025 *****

750.239.amended Forfeiture of weapons; disposal; immunity from civil liability.

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

(2) The director of the department of state police shall dispose of firearms under this section by destroying them. The director shall ensure that all parts of a firearm disposed of under this section are destroyed.

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

(a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the director of the department of state police shall provide 30 days' written notice of the director's intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if the owner is authorized to possess the firearm.

(b) Provide 30 days' notice to the public on the department of state police website of the director's intent to dispose of the firearm under this section. The notice must include a description of the firearm and state the firearm's serial number, if the serial number can be determined. The department of state police shall allow the owner of the firearm to claim the firearm within that 30-day period if the owner is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a).

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.239;—Am. 1949, Act 168, Eff. Sept. 23, 1949;—Am. 1964, Act 215, Eff. Aug. 28, 1964;—Am. 2010, Act 294, Imd. Eff. Dec. 16, 2010;—Am. 2024, Act 267, Eff. Apr. 2, 2025.