

Guns and Heirs – Mi Law

You can address firearms in a Michigan will, and Michigan law clearly recognizes inheritance as a lawful way to pass them on. That said, most estate planners would not recommend listing each gun inside the will itself. A combination of a general bequest plus a separate list, or a trust, usually works better.

What Michigan law says about inherited guns

Since 2016, the licensing statute (MCL 28.422) has said that its licensing requirement does not prevent the transfer of ownership of pistols to an heir or devisee, whether by a will or by the law of intestacy, regardless of whether the pistol is registered with the state. The heir still has duties, though: a person inheriting a pistol has to obtain a license within 30 days of taking physical possession of it.

The law also protects the person settling the estate and any heir who can't legally own a gun. The person authorized to dispose of the property does not need a license to take temporary lawful possession of the pistol while carrying out the will or the intestacy laws. If an heir is prohibited from owning guns, they can keep title to the inherited pistol, though not possession, while finding a suitable person to sell or transfer it to.

That inheritance provision was written about pistols. In February 2024 the rules got broader: Michigan's background check law, effective February 13, 2024, requires background checks for all firearm purchases, and a license to purchase is now required for all firearms, including rifles and shotguns in private sales. Your heirs should therefore expect the license-within-30-days step to apply to long guns as well as handguns. An attorney can confirm exactly how the 2024 changes affect inherited long guns.

Why not list the guns in the will itself

- **Privacy and theft risk. A will becomes a public court record in probate. A detailed inventory tells anyone who looks what was in the house.**
- **The list goes stale. Every time you buy, sell, or trade a gun, you'd need to amend the will.**
- **Michigan offers a better tool. Under MCL 700.2513, your will can refer to a separate written list for tangible personal property. You sign and date that list, and you can update it anytime without re-**

signing the will. A common approach is a will clause along the lines of "my firearms to the persons named in my memorandum," with the specific guns, serial numbers, and recipients on the memorandum.

Alternatives worth considering

- **A gun trust. This is the main alternative. Firearms held in a trust pass to the beneficiaries without probate and stay private. The trust can name successor trustees and spell out what happens if a beneficiary is a minor or is prohibited from owning guns. It is especially valuable for NFA items such as suppressors, short-barreled rifles, or machine guns, which otherwise require an ATF transfer to the heir (Form 5, tax-exempt for heirs). A regular revocable living trust can also hold ordinary firearms.**
- **Lifetime gifts. You can give guns away now. Under the current rules the recipient generally needs a purchase license or CPL first.**

Practical points to cover however you do it

- **Name a backup recipient in case your first choice can't legally own firearms, lives in a restrictive state, or doesn't want them.**
- **Plan for minors. For a child or grandchild, name an adult or trustee to hold the guns until the child is of age.**
- **Out-of-state heirs. Federal law allows transfers by bequest across state lines, but the heir's home state law controls. Shipping through a dealer (FFL) in the heir's state is often the cleanest route.**
- **Leave instructions for your executor. Include where the guns are, safe combinations, and which items are NFA-registered. Michigan's 2024 safe-storage law also makes secure storage during the estate period important, particularly if children are in the home.**

Bottom line: For a typical collection, a will that refers to a separate firearms memorandum is simple and flexible. If you own NFA items, have heirs out of state, have minor or possibly prohibited beneficiaries, or want privacy, a gun trust is usually the better tool.

Sources:

- **[House Fiscal Agency – Inherited Pistols analysis](#)**
- **[Senate Fiscal Agency – S.B. 225 analysis](#)**
- **[U-M Institute for Firearm Injury Prevention – Michigan's Firearm Background Check Law](#)**
- **[LawsHun – Universal background checks in Michigan](#)**