

SUBSTITUTE FOR
HOUSE BILL NO. 5450

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 1 (MCL 28.421), as amended by 2014 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL

1 761.1, or a violation of a law of the United States or another
2 state that is designated as a felony or that is punishable by death
3 or by imprisonment for more than 1 year.

4 (b) "Firearm" means ~~a ANY weapon from which a dangerous WILL,~~
5 **IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile
6 ~~may be propelled by ACTION OF~~ an explosive. ~~, or by gas or air.~~
7 ~~Firearm does not include a smooth bore rifle or handgun designed~~
8 ~~and manufactured exclusively for propelling by a spring, or by gas~~
9 ~~or air, BBs not exceeding .177 caliber.~~

10 (c) "Firearms records" means any form, information, or record
11 required for submission to a government agency under sections 2,
12 2a, 2b, and 5b, or any form, permit, or license issued by a
13 government agency under this act.

14 (d) "Misdemeanor" means a violation of a penal law of this
15 state or violation of a local ordinance substantially corresponding
16 to a violation of a penal law of this state that is not a felony or
17 a violation of an order, rule, or regulation of a state agency that
18 is punishable by imprisonment or a fine that is not a civil fine,
19 or both.

20 (e) "Peace officer" means, except as otherwise provided in
21 this act, an individual who is employed as a law enforcement
22 officer, as that term is defined under section 2 of the commission
23 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
24 state or another state, a political subdivision of this state or
25 another state, or the United States, and who is required to carry a
26 firearm in the course of his or her duties as a law enforcement
27 officer.

1 (f) "Pistol" means a loaded or unloaded firearm that is 26
2 inches or less in length, or a loaded or unloaded firearm that by
3 its construction and appearance conceals it as a firearm.

4 (g) "Purchaser" means a person who receives a pistol from
5 another person by purchase or gift.

6 (h) "Reserve peace officer", "auxiliary officer", or "reserve
7 officer" means, except as otherwise provided in this act, an
8 individual authorized on a voluntary or irregular basis by a duly
9 authorized police agency of this state or a political subdivision
10 of this state to act as a law enforcement officer, who is
11 responsible for the preservation of the peace, the prevention and
12 detection of crime, and the enforcement of the general criminal
13 laws of this state, and who is otherwise eligible to possess a
14 firearm under this act.

15 (i) "Retired police officer" or "retired law enforcement
16 officer" means an individual who was a police officer or law
17 enforcement officer who was certified as described under section 9a
18 of the commission on law enforcement standards act, 1965 PA 203,
19 MCL 28.609a, and retired in good standing from his or her
20 employment as a police officer or law enforcement officer.

21 (j) "Seller" means a person who sells or gives a pistol to
22 another person.

23 (k) "State court judge" means a judge of the district court,
24 circuit court, probate court, or court of appeals or justice of the
25 supreme court of this state who is serving either by election or
26 appointment.

27 (l) "State court retired judge" means a judge or justice

1 described in subdivision (k) who is retired, or a retired judge of
2 the recorders court.

3 (2) A person may lawfully own, possess, carry, or transport as
4 a pistol a firearm greater than 26 inches in length if all of the
5 following conditions apply:

6 (a) The person registered the firearm as a pistol under
7 section 2 or 2a before January 1, 2013.

8 (b) The person who registered the firearm as described in
9 subdivision (a) has maintained registration of the firearm since
10 January 1, 2013 without lapse.

11 (c) The person possesses a copy of the license or record
12 issued to him or her under section 2 or 2a.

13 (3) A person who satisfies all of the conditions listed under
14 subsection (2) nevertheless may elect to have the firearm not be
15 considered to be a pistol. A person who makes the election under
16 this subsection shall notify the department of state police of the
17 election in a manner prescribed by that department.

18 Enacting section 1. This amendatory act takes effect January
19 1, 2015.