

# HOUSE BILL No. 4010

January 8, 1997, Introduced by Rep. Fitzgerald and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 243e (MCL 750.243e).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 243e. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2),  
2 A person ~~, firm, copartnership or corporation,~~ who violates  
3 ~~any of the provisions of sections 243a to 243d~~ SECTION 243A,  
4 243B, 243C, OR 243D, or who violates the terms of ~~any~~ A permit  
5 issued ~~thereunder~~ UNDER SECTION 243A, 243B, 243C, OR 243D, is  
6 guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
7 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.  
8       (2) A PERSON WHO OFFERS FOR SALE, EXPOSES FOR SALE, SELLS AT  
9 RETAIL, OR KEEPS WITH INTENT TO SELL AT RETAIL FIREWORKS IN  
10 VIOLATION OF SECTION 243A IS GUILTY OF A CRIME AS FOLLOWS:

1 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), IF THE  
2 VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIREWORKS, THE PERSON IS  
3 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
4 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

5 (B) IF THE VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIRE-  
6 WORKS AND THE PERSON HAS 1 PRIOR CONVICTION FOR VIOLATING SECTION  
7 243A, 243B, 243C, OR 243D OR A PERMIT ISSUED UNDER SECTION 243A,  
8 243B, 243C, OR 243D, THE PERSON IS GUILTY OF A MISDEMEANOR PUN-  
9 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT  
10 MORE THAN \$500.00, OR BOTH.

11 (C) IF THE VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIRE-  
12 WORKS AND THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR VIOLAT-  
13 ING SECTION 243A, 243B, 243C, OR 243D OR A PERMIT ISSUED UNDER  
14 SECTION 243A, 243B, 243C, OR 243D, THE PERSON IS GUILTY OF A  
15 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A  
16 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

17 (D) EXCEPT AS PROVIDED IN SUBDIVISION (E), IF THE VIOLATION  
18 INVOLVES 5 OR MORE POUNDS OF FIREWORKS BUT LESS THAN 25 POUNDS OF  
19 FIREWORKS, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
20 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
21 \$1,000.00, OR BOTH.

22 (E) IF THE VIOLATION INVOLVES 5 OR MORE POUNDS OF FIREWORKS  
23 BUT LESS THAN 25 POUNDS OF FIREWORKS AND THE PERSON HAS 1 OR MORE  
24 PRIOR CONVICTIONS FOR VIOLATING SECTION 243A, 243B, 243C, OR 243D  
25 OR A PERMIT ISSUED UNDER SECTION 243A, 243B, 243C, OR 243D, THE  
26 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
27 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

1           (F) IF THE VIOLATION INVOLVES 25 OR MORE POUNDS OF  
2 FIREWORKS, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-  
3 ONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
4 \$2,500.00, OR BOTH.

5           (3) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL,  
6 PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR  
7 OTHER LEGAL ENTITY.