

HOUSE BILL No. 5797

April 22, 2004, Introduced by Reps. Smith and Hood and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 224 and 227 (MCL 750.224 and 750.227), section 224 as amended by 1991 PA 33 and section 227 as amended by 1986 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 224. (1) A person shall not manufacture, sell, offer
2 for sale, or possess any of the following:

3 (a) A machine gun or firearm that shoots or is designed to
4 shoot automatically more than 1 shot without manual reloading, by
5 a single function of the trigger.

6 (b) A muffler or silencer.

7 (c) A bomb or bombshell.

8 (d) A blackjack, slungshot, billy, metallic knuckles, sand
9 club, sand bag, or bludgeon.

1 (e) A device, weapon, cartridge, container, or contrivance
2 designed to render a person temporarily or permanently disabled
3 by the ejection, release, or emission of a gas or other
4 substance.

5 **(f) Any sharp-edged, multibladed device, capable of being**
6 **carried on the person, with blades that are, or can be, locked**
7 **into place for use as a weapon.**

8 (2) A person who violates subsection (1) is guilty of a
9 felony ~~—~~ punishable by imprisonment for not more than 5 years
10 ~~—~~ or a fine of not more than \$2,500.00, or both.

11 (3) Subsection (1) does not apply to any of the following:

12 (a) A self-defense spray device as defined in section 224d.

13 (b) A person manufacturing firearms, explosives, or munitions
14 of war by virtue of a contract with a department of the
15 government of the United States.

16 (c) A person licensed by the secretary of the treasury of the
17 United States or the secretary's delegate to manufacture, sell,
18 or possess a machine gun ~~—~~ or a device, weapon, cartridge,
19 container, or contrivance described in subsection (1).

20 **(d) A person possessing a weapon described in subsection (1)**
21 **pursuant to his or her duties with the armed forces of the United**
22 **States.**

23 **(e) A person manufacturing, selling, offering to sell, or**
24 **possessing a device described in subsection (1)(f) in the course**
25 **of a lawful trade, profession, or occupation.**

26 (4) As used in this chapter, "muffler" or "silencer" means 1
27 or more of the following:

1 (a) A device for muffling, silencing, or deadening the report
2 of a firearm.

3 (b) A combination of parts, designed or redesigned, and
4 intended for use in assembling or fabricating a muffler or
5 silencer.

6 (c) A part, designed or redesigned, and intended only for use
7 in assembling or fabricating a muffler or silencer.

8 Sec. 227. (1) A person shall not carry a dagger, a dirk, a
9 stiletto, a double-edged nonfolding stabbing instrument of any
10 length, **a sharp-edged multibladed device with blades capable of**
11 **being locked into place for use as a weapon,** or any other
12 dangerous weapon, except a hunting knife adapted and carried as
13 ~~such~~ **a hunting knife**, concealed on or about his or her person
14 ~~—~~ or, whether concealed or otherwise, in any vehicle operated
15 or occupied by the person, except in his or her dwelling house
16 ~~—~~ **or** place of business or on other land possessed by the
17 person.

18 (2) A person shall not carry a pistol concealed on or about
19 his or her person ~~—~~ or, whether concealed or otherwise, in a
20 vehicle operated or occupied by the person, except in his or her
21 dwelling house ~~—~~ **or** place of business ~~—~~ or on other land
22 possessed by the person, without a license to carry the pistol as
23 provided by law and, if licensed, shall not carry the pistol in a
24 place or manner inconsistent with any restrictions upon ~~such~~
25 **the** license.

26 (3) A person who violates this section is guilty of a felony
27 ~~—~~ punishable by imprisonment for not more than 5 years ~~—~~ or

1 by a fine of not more than \$2,500.00.