

# HOUSE BILL No. 4844

May 31, 2005, Introduced by Reps. Vander Veen, Gosselin, Shaffer, Taub, Ball, David Law, Wenke and Lemmons, III and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 225.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 225. (1) SUBJECT TO SUBSECTION (3), A PERSON SHALL NOT  
2        CHANGE, ALTER, REMOVE, OR OBLITERATE ANY COLORATION OR MARKINGS  
3        THAT ARE REQUIRED FOR AN IMITATION FIREARM BY ANY APPLICABLE STATE  
4        OR FEDERAL LAW IN ANY WAY THAT MAKES AN IMITATION FIREARM LOOK MORE  
5        LIKE A FIREARM. A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF  
6        A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS  
7        OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8        (2) AN INDIVIDUAL SHALL NOT KNOWINGLY POINT, DISPLAY, OR USE  
9        AN IMITATION FIREARM WITH THE PURPOSE OF INTIMIDATING, THREATENING,

1 OR ATTEMPTING TO PUT AN INDIVIDUAL IN FEAR OF BODILY INJURY OR FOR  
2 ANY UNLAWFUL PURPOSE. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS  
3 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4  
4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

5 (3) SUBSECTION (1) DOES NOT APPLY TO A MANUFACTURER, IMPORTER,  
6 OR DISTRIBUTOR OF IMITATION FIREARMS OR TO THE LAWFUL USE OF AN  
7 IMITATION FIREARM IN A MOTION PICTURE, TELEVISION, STAGE, OR OTHER  
8 THEATRICAL PRODUCTION.

9 (4) AS USED IN THIS SECTION:

10 (A) "BB GUN" MEANS A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND  
11 MANUFACTURED EXCLUSIVELY TO PROPEL BBS THAT DO NOT EXCEED .177  
12 CALIBER BY A SPRING OR BY GAS OR AIR.

13 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 222.

14 (C) "IMITATION FIREARM" MEANS A BB GUN, TOY GUN, REPLICA OF A  
15 FIREARM, OR OTHER DEVICE THAT IS SO SUBSTANTIALLY SIMILAR IN  
16 COLORATION AND OVERALL APPEARANCE TO AN EXISTING FIREARM AS TO LEAD  
17 A REASONABLE PERSON TO PERCEIVE THAT THE DEVICE IS A FIREARM.