

HOUSE BILL No. 5450

April 17, 2014, Introduced by Rep. Shirkey and referred to the Committee on Judiciary.

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 2012 PA 243.

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 weapon from which a dangerous projectile
5 may be propelled by an explosive, or by gas or air. Firearm does
6 not include a ~~smooth-bore~~ rifle or handgun designed and
7 manufactured exclusively for propelling by a spring, or by gas or
8 air, BBs not exceeding .177 caliber.

9 (c) "Misdemeanor" means a violation of a penal law of this
10 state or violation of a local ordinance substantially corresponding
11 to a violation of a penal law of this state that is not a felony or
12 a violation of an order, rule, or regulation of a state agency that
13 is punishable by imprisonment or a fine that is not a civil fine,
14 or both.

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

23 (e) "Pistol" means a loaded or unloaded firearm that is 26
24 inches or less in length, or a loaded or unloaded firearm that by
25 its construction and appearance conceals it as a firearm.

26 (f) "Purchaser" means a person who receives a pistol from
27 another person by purchase or gift.

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

10 (h) "Retired police officer" or "retired law enforcement
11 officer" means an individual who was a police officer or law
12 enforcement officer who was certified as described under section 9a
13 of the commission on the law enforcement standards act, 1965 PA
14 203, MCL 28.609a, and retired in good standing from his or her
15 employment as a police officer or law enforcement officer.

16 (i) "Seller" means a person who sells or gives a pistol to
17 another person.

18 (j) "State court judge" means a judge of the district court,
19 circuit court, probate court, or court of appeals or justice of the
20 supreme court of this state who is serving either by election or
21 appointment.

22 (k) "State court retired judge" means a judge or justice
23 described in subdivision (j) who is retired, or a retired judge of
24 the recorders court.

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

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

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

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

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