

# SENATE BILL NO. 647

September 21, 2021, Introduced by Senator BARRETT and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223, 224b, 228, 231a, and 232a (MCL 750.223, 750.224b, 750.228, 750.231a, and 750.232a), section 223 as amended and section 228 as added by 2012 PA 242, section 224b as amended by 2014 PA 63, section 231a as amended by 2012 PA 427, and section 232a as amended by 1990 PA 321.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 223. ~~(1) A person who knowingly sells a pistol without~~  
2 ~~complying with section 2 of 1927 PA 372, MCL 28.422, is guilty of a~~  
3 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~

1 ~~or a fine of not more than \$100.00, or both.~~

2       **(1)** ~~(2)~~—A person who knowingly sells a firearm more than 26  
3 inches in length to a person under 18 years of age is guilty of a  
4 misdemeanor ~~—~~punishable by imprisonment for not more than 90 days  
5 ~~—~~or a fine of not more than \$500.00, or both. A second or  
6 subsequent violation of this subsection is a felony punishable by  
7 imprisonment for not more than 4 years ~~—~~or a fine of not more than  
8 \$2,000.00, or both. It is an affirmative defense to a prosecution  
9 under this subsection that the person who sold the firearm asked to  
10 see and was shown a driver's license or identification card issued  
11 by a state that identified the purchaser as being 18 years of age  
12 or older.

13       **(2)** ~~(3)~~—A seller shall not sell a firearm or ammunition to a  
14 person if the seller knows that either of the following  
15 circumstances exists:

16       (a) The person is under indictment for a felony. As used in  
17 this subdivision, "felony" means a violation of a law of this  
18 state, or of another state, or of the United States that is  
19 punishable by imprisonment for 4 years or more.

20       (b) The person is prohibited under section 224f from  
21 possessing, using, transporting, selling, purchasing, carrying,  
22 shipping, receiving, or distributing a firearm.

23       **(3)** ~~(4)~~—A person who violates subsection ~~(3)~~ **(2)** is guilty of  
24 a felony ~~—~~punishable by imprisonment for not more than 10 years ~~—~~  
25 or ~~by~~ a fine of not more than \$5,000.00, or both.

26       ~~(5) As used in this section, "licensed dealer" means a person~~  
27 ~~licensed under 18 USC 923 who regularly buys and sells firearms as~~  
28 ~~a commercial activity with the principal objective of livelihood~~  
29 ~~and profit.~~

1           Sec. 224b. (1) A person shall not make, manufacture, transfer,  
2 or possess a short-barreled shotgun or a short-barreled rifle.

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

6           (3) Subsection (1) does not apply to a short-barreled shotgun  
7 or short-barreled rifle that is lawfully made, manufactured,  
8 transferred, or possessed under federal law.

9           ~~(4) A person, excluding a manufacturer, lawfully making,~~  
10 ~~transferring, or possessing a short-barreled shotgun or short-~~  
11 ~~barreled rifle that is 26 inches or less in length under this~~  
12 ~~section shall comply with section 2 or 2a of 1927 PA 372, MCL~~  
13 ~~28.422 and 28.422a.~~

14           **(4)** ~~(5)~~—A person who possesses a short-barreled shotgun or  
15 short-barreled rifle that is greater than 26 inches in length under  
16 this section shall possess a copy of the federal registration of  
17 that short-barreled shotgun or short-barreled rifle while  
18 transporting or using that short-barreled shotgun or short-barreled  
19 rifle and shall present that federal registration to a peace  
20 officer upon request by that peace officer.

21           **(5)** ~~(6)~~—A person who violates subsection ~~(5)~~—**(4)** is  
22 responsible for a state civil infraction and may be fined not more  
23 than \$100.00. A short-barreled shotgun or short-barreled rifle  
24 carried in violation of subsection ~~(5)~~—**(4)** is subject to immediate  
25 seizure by a peace officer. If a peace officer seizes a short-  
26 barreled shotgun or short-barreled rifle under this subsection, the  
27 person has 45 days in which to display the federal registration to  
28 an authorized employee of the law enforcement entity that employs  
29 the peace officer. If the person displays the federal registration

1 to an authorized employee of the law enforcement entity that  
2 employs the peace officer within the 45-day period, the authorized  
3 employee of that law enforcement entity shall return the short-  
4 barreled shotgun or short-barreled rifle to the person unless the  
5 person is prohibited by law from possessing a firearm. If the  
6 person does not display the federal registration within the 45-day  
7 period, the short-barreled shotgun or short-barreled rifle is  
8 subject to seizure and forfeiture in the same manner that property  
9 is subject to seizure and forfeiture under sections 4701 to 4709 of  
10 the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to  
11 600.4709.

12 (6) ~~(7)~~—Section 20 of chapter XVI of the code of criminal  
13 procedure, 1927 PA 175, MCL 776.20, applies to subsection (3).

14 Sec. 228. (1) A person may lawfully own, possess, carry, or  
15 transport as a pistol a firearm greater than 26 inches in length if  
16 ~~all~~**both** of the following conditions apply:

17 (a) The person registered the firearm as a pistol under  
18 section 2 ~~or 2a~~ of 1927 PA 372, MCL 28.422, and ~~28.422a~~, **or former**  
19 **section 2a of 1927 PA 372**, before January 1, 2013.

20 ~~(b) The person who registered the firearm as described in~~  
21 ~~subdivision (a) has maintained registration of the firearm since~~  
22 ~~January 1, 2013 without lapse.~~

23 (b) ~~(e)~~—The person possesses a copy of the license or record  
24 issued to him or her under section 2 ~~or 2a~~ of 1927 PA 372, MCL  
25 28.422, and ~~28.422a~~. **or former section 2a of 1927 PA 372.**

26 (2) A person who satisfies ~~all~~**both** of the conditions listed  
27 under subsection (1) nevertheless may elect to have the firearm not  
28 be considered to be a pistol. A person who makes the election under  
29 this subsection shall notify the department of state police of the

1 election in a manner prescribed by that department.

2 Sec. 231a. (1) Subsection (2) of section 227 does not apply to  
3 any of the following:

4 (a) To a person holding a valid license to carry a pistol  
5 concealed upon his or her person issued by his or her state of  
6 residence except where the pistol is carried in nonconformance with  
7 a restriction appearing on the license.

8 (b) To the regular and ordinary transportation of pistols as  
9 merchandise by an authorized agent of a person licensed to  
10 manufacture firearms.

11 (c) To a person carrying an antique firearm, completely  
12 unloaded in a closed case or container designed for the storage of  
13 firearms in the trunk of a vehicle.

14 (d) To a person while transporting a pistol for a lawful  
15 purpose ~~that is licensed by the owner or occupant of the motor~~  
16 ~~vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422,~~  
17 ~~and-if~~ the pistol is unloaded in a closed case designed for the  
18 storage of firearms in the trunk of the vehicle.

19 (e) To a person while transporting a pistol for a lawful  
20 purpose ~~that is licensed by the owner or occupant of the motor~~  
21 ~~vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422,~~  
22 ~~and-if~~ the pistol is unloaded in a closed case designed for the  
23 storage of firearms in a vehicle that does not have a trunk and is  
24 not readily accessible to the occupants of the vehicle.

25 (2) As used in this section, "antique firearm" means either of  
26 the following:

27 (a) ~~(i)~~—A firearm not designed or redesigned for using rimfire  
28 or conventional center fire ignition with fixed ammunition and  
29 manufactured in or before 1898, including a matchlock, flintlock,

1 percussion cap, or similar type of ignition system or replica of  
2 such a firearm, whether actually manufactured before or after 1898.

3 (b) ~~(ii)~~—A firearm using fixed ammunition manufactured in or  
4 before 1898, for which ammunition is no longer manufactured in the  
5 United States and is not readily available in the ordinary channels  
6 of commercial trade.

7 Sec. 232a. ~~(1) Except as provided in subsection (2), a person~~  
8 ~~who obtains a pistol in violation of section 2 of Act No. 372 of~~  
9 ~~the Public Acts of 1927, as amended, being section 28.422 of the~~  
10 ~~Michigan Compiled Laws, is guilty of a misdemeanor, punishable by~~  
11 ~~imprisonment for not more than 90 days or a fine of not more than~~  
12 ~~\$100.00, or both.~~

13 ~~(2) Subsection (1) does not apply to a person who obtained a~~  
14 ~~pistol in violation of section 2 of Act No. 372 of the Public Acts~~  
15 ~~of 1927 before the effective date of the 1990 amendatory act that~~  
16 ~~added this subsection, who has not been convicted of that~~  
17 ~~violation, and who obtains a license as required under section 2 of~~  
18 ~~Act No. 372 of the Public Acts of 1927 within 90 days after the~~  
19 ~~effective date of the 1990 amendatory act that added this~~  
20 ~~subsection.~~

21 ~~(3) A person who intentionally makes a material false~~  
22 ~~statement on an application for a license to purchase a pistol~~  
23 ~~under section 2 of Act No. 372 of the Public Acts of 1927, as~~  
24 ~~amended, is guilty of a felony, punishable by imprisonment for not~~  
25 ~~more than 4 years, or a fine of not more than \$2,000.00, or both.~~

26 ~~(4) A person who uses or attempts to use false identification~~  
27 ~~or the identification of another person to purchase a firearm is~~  
28 ~~guilty of a misdemeanor, punishable by imprisonment for not more~~  
29 ~~than 90 days or a fine of not more than \$100.00, or both.~~

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No. 646 of the 101st Legislature is enacted into  
3 law.