

Act No. 33
Public Acts of 1991
Approved by the Governor
June 7, 1991
Filed with the Secretary of State
June 10, 1991

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Reps. Sikkema, Dalman, Middaugh, Gilmer, Martin, Jaye, DeLange, Sparks, Oxender,
Pitoniak, Nye and London

ENROLLED HOUSE BILL No. 4116

AN ACT to amend sections 224 and 224d of Act No. 328 of the Public Acts of 1931, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," section 224 as amended by Act No. 321 of the Public Acts of 1990 and section 224d as added by Act No. 346 of the Public Acts of 1980, being sections 750.224 and 750.224d of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 224 and 224d of Act No. 328 of the Public Acts of 1931, section 224 as amended by Act No. 321 of the Public Acts of 1990 and section 224d as added by Act No. 346 of the Public Acts of 1980, being sections 750.224 and 750.224d of the Michigan Compiled Laws, are amended to read as follows:

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

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

(b) A muffler or silencer.

(c) A bomb or bombshell.

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

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

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

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

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

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

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

(4) As used in this chapter, “muffler” or “silencer” means 1 or more of the following:

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

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

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

Sec. 224d. (1) As used in this section and section 224, “self-defense spray device” means a device to which all of the following apply:

(a) The device is capable of carrying not more than 35 grams of any combination of active and inert ingredients.

(b) The device ejects, releases, or emits 1 of the following:

(i) Orthochlorobenzalmalononitrile.

(ii) A solution containing not more than 2% oleoresin capsicum.

(c) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in subdivision (b)(i) or (ii).

(2) Except as otherwise provided in this section, a person who uses a self-defense spray device to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum at another person is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$2,000.00, or both.

(3) If a person uses a self-defense spray device during the commission of a crime to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum or threatens to use a self-defense spray device during the commission of a crime to temporarily or permanently disable another person, the judge who imposes sentence upon a conviction for that crime shall consider the defendant’s use or threatened use of the self-defense spray device as a reason for enhancing the sentence.

(4) A person shall not sell a self-defense spray device to a minor. A person who violates this subsection is guilty of a misdemeanor.

(5) Subsection (2) does not prohibit either of the following:

(a) The reasonable use of a self-defense spray device by a law enforcement officer in the performance of the law enforcement officer’s duty.

(b) The reasonable use of a self-defense spray device by a person in the protection of a person or property under circumstances which would justify the person’s use of physical force.

Section 2. This amendatory act shall not take effect unless House Bill No. 4115 of the 86th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.

