

HOUSE BILL No. 4431

March 5, 1991, Introduced by Reps. Leland, Murphy and Dobronski
and referred to the Committee on Judiciary.

A bill to amend section 223 of Act No. 328 of the Public
Acts of 1931, entitled
"The Michigan penal code,"
as amended by Act No. 321 of the Public Acts of 1990, being sec-
tion 750.223 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 223 of Act No. 328 of the Public Acts of
2 1931, as amended by Act No. 321 of the Public Acts of 1990, being
3 section 750.223 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 223. (1) A person who knowingly sells a pistol with-
6 out complying with section 2 of Act No. 372 of the Public Acts
7 of 1927, as amended, being section 28.422 of the Michigan
8 Compiled Laws, is guilty of a ~~misdemeanor~~ FELONY, punishable by

1 imprisonment for not more than ~~90 days~~ 4 YEARS, or a fine of
2 not more than ~~\$100.00~~ \$2,000.00, or both.

3 (2) A person who knowingly sells a firearm more than 30
4 inches in length to a person under 18 years of age is guilty of a
5 ~~misdemeanor~~ FELONY, punishable by imprisonment for not more
6 than ~~90 days~~ 4 YEARS, or a fine of not more than ~~\$500.00~~
7 \$2,000.00, or both. ~~A second or subsequent violation of this~~
8 ~~subsection is a felony punishable by imprisonment for not more~~
9 ~~than 4 years, or a fine of not more than \$2,000.00, or both.~~ It
10 is an affirmative defense to a prosecution under this subsection
11 that the person who sold the firearm asked to see and was shown a
12 driver's license or identification card issued by a state that
13 identified the purchaser as being 18 years of age or older.

14 (3) A licensed dealer who knowingly sells a pistol without
15 complying with section 2a of Act No. 372 of the Public Acts of
16 1927, being section 28.422a of the Michigan Compiled Laws, is
17 guilty of a misdemeanor, punishable by a fine of not more than
18 \$100.00.

19 (4) Except as provided in subsection (5), a person shall not
20 sell a firearm or ammunition to a person the seller knows is
21 under indictment for or has been convicted of a crime punishable
22 by imprisonment for more than 1 year.

23 (5) Subsection (4) does not apply to a purchaser who is a
24 licensed seller during the term of the indictment until any con-
25 viction pursuant to the indictment becomes final or to a pur-
26 chaser granted relief from the disability pursuant to section 2
27 of Act No. 372 of the Public Acts of 1927.

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

4 (7) As used in this section:

5 (a) "Licensed dealer" means a person licensed under
6 section 923 of chapter 44 of title 18 of the United States Code
7 who regularly buys and sells firearms as a commercial activity
8 with the principal objective of livelihood and profit.

9 (b) "Crime punishable by imprisonment for more than 1 year"
10 means that term as defined in section 2 of Act No. 372 of the
11 Public Acts of 1927.