

# SENATE BILL No. 529

October 1, 1991, Introduced by Senators WELBORN and  
DINGELL and referred to the Committee on Family Law,  
Criminal Law, and Corrections.

A bill to amend section 223 of Act No. 328 of the Public  
Acts of 1931, entitled as amended  
"The Michigan penal code,"  
as amended by Act No. 321 of the Public Acts of 1990, being  
section 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 without  
6 complying with section 2 of Act No. 372 of the Public Acts of  
7 1927, as amended, being section 28.422 of the Michigan Compiled  
8 Laws, is guilty of a misdemeanor, punishable by imprisonment for

1 not more than 90 days, or a fine of not more than \$100.00, or  
2 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, punishable by imprisonment for not more than 90  
6 days, or a fine of not more than \$500.00, or both. A second or  
7 subsequent violation of this subsection is a felony punishable by  
8 imprisonment for not more than 4 years, or a fine of not more  
9 than \$2,000.00, or both. It is an affirmative defense to a pros-  
10 ecution under this subsection that the person who sold the fire-  
11 arm asked to see and was shown a driver's license or identifica-  
12 tion card issued by a state that identified the purchaser as  
13 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       (3) ~~-(4)-~~ Except as provided in subsection ~~-(5)-~~ (4), a  
20 person shall not sell a firearm or ammunition to a person the  
21 seller knows is under indictment for or has been convicted of a  
22 crime punishable by imprisonment for more than 1 year.

23       (4) ~~-(5)-~~ Subsection ~~-(4)-~~ (3) does not apply to a purchaser  
24 who is a licensed seller during the term of the indictment until  
25 any conviction pursuant to the indictment becomes final or to a  
26 purchaser granted relief from the disability pursuant to  
27 section 2 of Act No. 372 of the Public Acts of 1927.

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

4       (6) ~~—(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"~~ "CRIME punishable by imprisonment for more than  
10 1 year" means that term as defined in section 2 of Act No. 372 of  
11 the Public Acts of 1927.

12       Section 2. This amendatory act shall not take effect unless  
13 Senate Bill No. 528

14                       of the 86th Legislature is enacted into law.