



HOUSE BILL No. 5330

February 10 1994 Introduced by Reps Scott Curtis and Emerson and referred to the Committee on Judiciary

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 221 of the Public Acts of 1992, being section 750 223 of the Michigan Compiled Laws and to add section 223a

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 221 of the Public Acts of 1992 being
3 section 750 223 of the Michigan Compiled Laws, is amended and
4 section 223a is added to read 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 seller shall not sell a firearm or ammunition to a
15 person if the seller knows that either of the following circum-
16 stances exists

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

21 (b) The person is prohibited under section 224f from pos-
22 sessing, using, transporting, selling, purchasing, carrying,
23 shipping, receiving, or distributing a firearm

24 (4) A person who violates subsection (3) is guilty of a
25 felony, punishable by imprisonment for not more than 10 years, or
26 by a fine of not more than \$5,000 00, or both

1 (5) As used in this section ~~,"licensed"~~ AND SECTION 223A

2 (A) "AMMUNITION DEALER AND DESTRUCTIVE DEVICE" MEAN
3 THOSE TERMS AS DEFINED IN SECTION 921 OF CHAPTER 44 OF TITLE 18
4 OF THE UNITED STATES CODE, 18 U S C 921

5 (B) "LICENSED dealer" means a person licensed under
6 section 923 of chapter 44 of title 18 of the United States Code,
7 18 U S C 923 who regularly buys and sells firearms as a commer-
8 cial activity with the principal objective of livelihood and
9 profit

10 SEC 223A (1) A PERSON ENGAGED IN THE BUSINESS OF A
11 LICENSED DEALER WHO STORES AMMUNITION ON THE PREMISES OF HIS OR
12 HER BUSINESS SHALL LOCATE THE STORED AMMUNITION IN AN AREA THAT
13 IS ALL OF THE FOLLOWING

14 (A) SEPARATE FROM THE SITE OF A FIREARM OR DESTRUCTIVE
15 DEVICE

16 (B) SURROUNDED BY FLOOR-TO-CEILING WALLS

17 (C) CAPABLE OF BEING LOCKED AND RENDERED INACCESSIBLE FROM
18 ANY OTHER AREA OF THE BUSINESS PREMISES ABSENT THE PERSON S
19 EXPRESS AUTHORIZATION

20 (2) A PERSON DESCRIBED IN SUBSECTION (1) SHALL ENSURE THAT
21 AN AMMUNITION STORAGE AREA ON BUSINESS PREMISES IS LOCKED AND
22 INACCESSIBLE TO INDIVIDUALS WHO ARE NOT AUTHORIZED BY THE PERSON
23 TO HAVE ACCESS TO THAT STORAGE AREA