



SENATE BILL No. 691

June 8, 1993, Introduced by Senator VAUGHN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 222, 223, 225, 227, 231, 231a, 231c, 232, 232a, and 234d of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

section 222 as amended by Act No. 217 of the Public Acts of 1992, section 223 as amended by Act No. 221 of the Public Acts of 1992, section 227 as amended by Act No. 8 of the Public Acts of 1986, section 231 as amended by Act No. 103 of the Public Acts of 1981, section 231c as added by Act No. 185 of the Public Acts of 1982, section 232a as amended by Act No. 321 of the Public Acts of 1990, and section 234d as amended by Act No. 218 of the Public Acts of 1992, being sections 750.222, 750.223, 750.225, 750.227, 750.231, 750.231a, 750.231c, 750.232, 750.232a, and 750.234d of the Michigan Compiled Laws; to add section 222a; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 222, 223, 225, 227, 231, 231a, 231c,
2 232, 232a, and 234d of Act No. 328 of the Public Acts of 1931,
3 section 222 as amended by Act No. 217 of the Public Acts of 1992,
4 section 223 as amended by Act No. 221 of the Public Acts of 1992,
5 section 227 as amended by Act No. 8 of the Public Acts of 1986,
6 section 231 as amended by Act No. 103 of the Public Acts of 1981,
7 section 231c as added by Act No. 185 of the Public Acts of 1982,
8 section 232a as amended by Act No. 321 of the Public Acts of
9 1990, and section 234d as amended by Act No. 218 of the Public
10 Acts of 1992, being sections 750.222, 750.223, 750.225, 750.227,
11 750.231, 750.231a, 750.231c, 750.232, 750.232a, and 750.234d of
12 the Michigan Compiled Laws, are amended and section 222a is added
13 to read as follows:

14 Sec. 222. As used in this chapter:

15 (a) "Barrel length" means the internal length of a firearm
16 as measured from the face of the closed breech of the firearm
17 when it is unloaded, to the forward face of the end of the
18 barrel.

19 (b) "Firearm" means a weapon from which a dangerous projec-
20 tile may be propelled by an explosive, or by gas or air. Firearm
21 does not include a smooth bore rifle or handgun designed and man-
22 ufactured exclusively for propelling by a spring, or by gas or
23 air, BB's not exceeding .177 caliber.

24 (c) "Pistol" means a loaded or unloaded firearm that is 30
25 inches or less in length, or a loaded or unloaded firearm that by
26 its construction and appearance conceals it as a firearm.

1 (d) ~~"Purchaser" means a person who receives a pistol from~~
2 ~~another person by purchase, gift, or loan.~~ "PERSON" MEANS AN
3 INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL
4 ENTITY. PERSON DOES NOT INCLUDE A GOVERNMENTAL ENTITY.

5 ~~(e) "Seller" means a person who sells, furnishes, loans, or~~
6 ~~gives a pistol to another person.~~

7 (E) ~~(f)~~ "Shotgun" means a firearm designed or redesigned,
8 made or remade, and intended to be fired from the shoulder and
9 designed or redesigned and made or remade to use the energy of
10 the explosive in a fixed shotgun shell to fire through a smooth
11 bore either a number of ball shot or a single projectile for each
12 single function of the trigger.

13 (F) ~~(g)~~ "Short-barreled shotgun" means a shotgun having 1
14 or more barrels less than 18 inches in length or a weapon made
15 from a shotgun, whether by alteration, modification, or other-
16 wise, if the weapon as modified has an overall length of less
17 than 26 inches.

18 (G) ~~(h)~~ "Rifle" means a firearm designed or redesigned,
19 made or remade, and intended to be fired from the shoulder and
20 designed or redesigned and made or remade to use the energy of
21 the explosive in a fixed metallic cartridge to fire only a single
22 projectile through a rifled bore for each single pull of the
23 trigger.

24 (H) ~~(i)~~ "Short-barreled rifle" means a rifle having 1 or
25 more barrels less than 16 inches in length or a weapon made from
26 a rifle, whether by alteration, modification, or otherwise, if

1 the weapon as modified has an overall length of less than 26
2 inches.

3 SEC. 222A. (1) A PERSON SHALL NOT POSSESS, MANUFACTURE,
4 SELL, OFFER FOR SALE, PURCHASE, TRANSFER, RECEIVE, STORE, OR CON-
5 CEAL A PISTOL IN THIS STATE.

6 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION BY POSSESSING A
7 PISTOL IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED \$50.00 FOR A
8 FIRST OFFENSE, FINED \$100.00 FOR A SECOND OFFENSE, FINED \$200.00
9 AND IMPRISONED FOR 10 DAYS FOR A THIRD OFFENSE, AND FINED \$400.00
10 AND IMPRISONED FOR 20 DAYS FOR A FOURTH OFFENSE. FOR 5 OR MORE
11 OFFENSES, THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRIS-
12 ONED FOR NOT LESS THAN 1 YEAR OR MORE THAN 3 YEARS.

13 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION BY A MEANS OTHER
14 THAN THAT DESCRIBED IN SUBSECTION (2), IS GUILTY OF A MISDEMEAN-
15 OR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, AND
16 SHALL BE FINED NOT MORE THAN \$500.00.

17 (4) A COURT MAY WAIVE THE MONETARY FINE REQUIRED UNDER SUB-
18 SECTIONS (2) AND (3) IF THE COURT DETERMINES THAT THE INDIVIDUAL
19 IS NOT FINANCIALLY ABLE TO PAY THAT FINE.

20 (5) A PERSON ENGAGED IN BUSINESS WITHIN THIS STATE THAT VIO-
21 LATES THIS SECTION SHALL FORFEIT ITS CORPORATE CHARTER, ARTICLES
22 OF INCORPORATION, OR OTHER PRIVILEGE TO DO BUSINESS IN THIS STATE
23 AND IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED \$2,500.00 FOR A
24 FIRST OFFENSE, AND \$5,000.00 FOR EACH SUBSEQUENT OFFENSE. THE
25 DIRECTOR OR OTHER PERSON IN CHARGE OF A BUSINESS ENTERPRISE THAT
26 IS FOUND TO BE IN VIOLATION OF THIS SECTION IS GUILTY OF A
27 MISDEMEANOR AND, FOR A FIRST OFFENSE, SHALL BE IMPRISONED FOR 30

1 DAYS, AND FOR A SECOND OFFENSE, SHALL BE IMPRISONED 90 DAYS. FOR
2 ANY THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY OF A FELONY
3 AND SHALL BE IMPRISONED FOR NOT LESS THAN 1 OR MORE THAN 3 YEARS.

4 Sec. 223. ~~(1) A person who knowingly sells a pistol with-~~
5 ~~out complying with section 2 of Act No. 372 of the Public Acts of~~
6 ~~1927, as amended, being section 28.422 of the Michigan Compiled~~
7 ~~Laws, is guilty of a misdemeanor, punishable by imprisonment for~~
8 ~~not more than 90 days, or a fine of not more than \$100.00, or~~
9 ~~both.~~

10 (1) ~~(2)~~ A person who knowingly sells a firearm more than
11 30 inches in length to a person under 18 years of age is guilty
12 of a misdemeanor ~~—~~ punishable by imprisonment for not more than
13 90 days ~~—~~ or a fine of not more than \$500.00, or both. A
14 second or subsequent violation of this subsection is a felony
15 punishable by imprisonment for not more than 4 years ~~—~~ or a
16 fine of not more than \$2,000.00, or both. It is an affirmative
17 defense to a prosecution under this subsection that the person
18 who sold the firearm asked to see and was shown a driver's
19 license or identification card issued by a state that identified
20 the purchaser as being 18 years of age or older.

21 (2) ~~(3)~~ A seller shall not sell a firearm or ammunition to
22 a person if the seller knows that either of the following circum-
23 stances exists:

24 (a) The person is under indictment for a felony. As used in
25 this subdivision, "felony" means a violation of a law of this
26 state, ~~or of~~ another state, or ~~of~~ the United States ~~that is~~
27 punishable by imprisonment for 4 years or more.

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

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

8 (4) ~~-(5)-~~ As used in this section, "licensed dealer" means a
 9 person licensed under section 923 of chapter 44 of title 18 of
 10 the United States Code who regularly buys and sells firearms as a
 11 commercial activity with the principal objective of livelihood
 12 and profit.

13 Sec. 225. ~~Possession, etc., of printed matter offering to~~
 14 ~~sell or deliver pistols, etc., from without the state—Any~~ A
 15 person who ~~shall sell~~ SELLS or ~~deliver~~ DELIVERS within this
 16 state, or ~~offer~~ OFFERS or ~~expose~~ EXPOSES for sale, or ~~have~~
 17 HAS in HIS OR HER possession for the purpose of sale, any book,
 18 pamphlet, circular, magazine, newspaper, or other form of written
 19 or printed matter offering to sell or deliver, or containing an
 20 offer to sell or deliver to any person within this state from any
 21 place ~~without~~ OUT OF this state any pistol or any weapon or
 22 device ~~mentioned in the next preceding section of this chapter,~~
 23 ~~shall be~~ PROSCRIBED IN SECTION 224 IS guilty of a misdemeanor
 24 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
 25 NOT MORE THAN \$100.00, OR BOTH. ~~The provisions of this section~~
 26 ~~shall~~ THIS SECTION DOES not apply to ~~sales~~ THE SALE of, or
 27 ~~offers~~ OFFER to sell, ~~pistols at wholesale to persons~~

~~1 regularly engaged in the business of selling such pistols~~
~~2 wholesale or retail, nor to sales or offers to sell such pistols~~
 3 A PISTOL made or authorized by the United States government, or
 4 any department or agency ~~thereof~~ OF THE UNITED STATES GOVERN-
 5 MENT, OR TO A PERSON DESCRIBED IN SECTION 231.

6 Sec. 227. (1) A person shall not carry a dagger, dirk, sti-
 7 letto, a double-edged nonfolding stabbing instrument of any
 8 length, or ~~any~~ other dangerous weapon, except a hunting knife
 9 adapted and carried as ~~such~~ A HUNTING KNIFE, concealed on or
 10 about his or her person ~~,~~ or ~~whether~~ concealed or otherwise
 11 in ~~any~~ A vehicle operated or occupied by the person, except in
 12 his or her dwelling house ~~,~~ OR place of business ~~,~~ or on
 13 other land possessed by the person.

14 ~~(2) A person shall not carry a pistol concealed on or about~~
 15 ~~his or her person, or, whether concealed or otherwise, in a vehi-~~
 16 ~~cle operated or occupied by the person, except in his or her~~
 17 ~~dwelling house, place of business, or on other land possessed by~~
 18 ~~the person, without a license to carry the pistol as provided by~~
 19 ~~law and if licensed, shall not carry the pistol in a place or~~
 20 ~~manner inconsistent with any restrictions upon such license.~~

21 (2) ~~(3)~~ A person who violates this section is guilty of a
 22 felony ~~,~~ punishable by imprisonment for not more than 5 years
 23 ~~,~~ or ~~by~~ a fine of not more than \$2,500.00, OR BOTH.

24 Sec. 231. Sections 222A, 224, 225, 227, 227c, and 227d do
 25 not apply to any OF THE FOLLOWING:

26 (A) A peace officer of a duly authorized police agency of
 27 the United States, ~~of~~ this state, or ~~of any~~ A political

1 subdivision of this state ~~—~~ who is regularly employed and paid
 2 by the United States, this state, or a political subdivision of
 3 this state. ~~—, or to any~~

4 (B) A person regularly employed by the state department of
 5 corrections ~~—, and~~ WHO IS authorized in writing by the director
 6 of the department of corrections to carry a concealed weapon
 7 while ~~in the official performance of~~ PERFORMING his or her
 8 OFFICIAL duties or while going to or returning from those duties.
 9 ~~—, or to any~~

10 (C) A member of the army, air force, navy, or marine corps
 11 of the United States ~~when~~ carrying weapons in line of or inci-
 12 dental to duty. ~~—, or to organizations~~

13 (D) AN ORGANIZATION authorized by law to purchase or receive
 14 weapons from the United States or from this state. ~~—, or to~~
 15 ~~members~~

16 (E) A MEMBER of the national guard, armed forces reserves,
 17 or other duly authorized military organizations when on duty or
 18 drill, or in going to or returning from ~~their places~~ A PLACE of
 19 assembly or practice by a direct route or otherwise, while carry-
 20 ing weapons used for purposes of the national guard, armed forces
 21 reserves, or other duly authorized military organizations.

22 Sec. 231a. (1) ~~Section 227 does~~ SECTIONS 222A AND 227 DO
 23 not apply to any of the following:

24 (a) ~~To~~ POSSESSION AND CONCEALMENT OF A PISTOL BY a person
 25 holding a valid license to carry a pistol concealed upon his or
 26 her person issued by another state ~~except where~~ UNLESS the

1 pistol is carried in ~~nonconformance with~~ VIOLATION OF a
2 restriction appearing on the license.

3 (b) ~~To the~~ THE regular and ordinary transportation of
4 ~~pistols~~ A PISTOL as merchandise by an authorized agent of a
5 person licensed to manufacture firearms.

6 (c) ~~To a~~ A person carrying an antique firearm as defined
7 in subsection (2), completely unloaded, in a wrapper or container
8 in the trunk of a vehicle while en route to or from a ~~hunting or~~
9 ~~target shooting area or~~ function involving the exhibition,
10 demonstration, or sale of antique firearms.

11 ~~(d) To a person while carrying a pistol unloaded in a wrap-~~
12 ~~per or container in the trunk of the person's vehicle, while in~~
13 ~~possession of a valid Michigan hunting license or proof of valid~~
14 ~~membership in an organization having pistol shooting range facil-~~
15 ~~ities, and while en route to or from a hunting or target shooting~~
16 ~~area.~~

17 ~~(e) To a person while carrying a pistol unloaded in a wrap-~~
18 ~~per or container in the trunk of the person's vehicle from the~~
19 ~~place of purchase to his or her home or place of business or to a~~
20 ~~place of repair or back to his or her home or place of business,~~
21 ~~or in moving goods from one place of abode or business to another~~
22 ~~place of abode or business.~~

23 ~~(f) To a person while carrying an unloaded pistol in the~~
24 ~~passenger compartment of a vehicle which does not have a trunk,~~
25 ~~if the person is otherwise complying with the requirements of~~
26 ~~subdivision (d) or (e) and the wrapper or container is not~~
27 ~~readily accessible to the occupants of the vehicle.~~

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

3 (a) A firearm not designed or redesigned for using rimfire
4 or conventional center fire ignition with fixed ammunition and
5 manufactured in or before 1898, including a matchlock, flintlock,
6 percussion cap, or similar type of ignition system or replica
7 thereof, whether actually manufactured IN 1898, OR before or
8 after ~~the year~~ 1898.

9 (b) A firearm using fixed ammunition manufactured in or
10 before 1898, for which ammunition is no longer manufactured in
11 the United States and is not readily available in the ordinary
12 channels of commercial trade.

13 Sec. 231c. (1) As used in this section:

14 (a) "Aircraft" means ~~aircraft~~ THAT TERM as defined in sec-
15 tion 43.

16 (b) "Approved signaling device" means a pistol ~~which~~ THAT
17 is a signaling device approved by the United States coast guard
18 pursuant to regulations issued under section 4488 of the Revised
19 Statutes of the United States, 46 U.S.C. 481, or under section 5
20 of the federal boat safety act of 1971, Public Law 92-75, 46
21 U.S.C. 1454.

22 (c) "Vessel" means ~~every description of~~ ANY watercraft,
23 other than a seaplane on the water, used or capable of being used
24 as a means of transportation on water.

25 (2) Sections 222A, 223, 227, ~~228,~~ 232, 232a, and 237
26 ~~shall~~ DO not apply to an approved signaling device.

1 (3) A person shall not sell OR PURCHASE an approved
2 signaling device ~~to a person, nor shall a person purchase an~~
3 ~~approved signaling device,~~ unless the purchaser is 18 years of
4 age or older and either of the following apply:

5 (a) The purchaser possesses and displays to the seller any
6 of the following:

7 (i) A valid and current certificate of number issued pursu-
8 ant to section 33 of THE MARINE SAFETY ACT, Act No. 303 of the
9 Public Acts of 1967, as amended, being section 281.1033 of the
10 Michigan Compiled Laws, for a vessel.

11 (ii) If a vessel is considered in compliance with the num-
12 bering requirements of this state pursuant to section 31(2) of
13 Act No. 303 of the Public Acts of 1967, as amended, being section
14 281.1031 of the Michigan Compiled Laws, proof of ownership or
15 proof of the vessel's being numbered in another state.

16 (iii) If a vessel is not required to be numbered or to dis-
17 play a decal under Act No. 303 of the Public Acts of 1967, as
18 amended, being sections 281.1001 to 281.1199 of the Michigan
19 Compiled Laws, proof of ownership of the vessel.

20 (b) The purchaser is the holder of and displays to the
21 seller a valid and effective airman's certificate of competency
22 issued by the United States or a foreign government.

23 (4) A person may possess an approved signaling device only
24 under the following circumstances:

25 (a) The possession occurs in the process of manufacturing,
26 marketing, or sale of the device, including the transportation of
27 the device as merchandise, and the device is unloaded.

1 (b) The device is on a vessel or on an aircraft.

2 (c) The device is at a person's residence.

3 (d) The person is en route from the place of purchase to the
4 person's residence or the person's vessel or aircraft or between
5 the person's residence and the person's vessel or aircraft.

6 (e) The device is in a vehicle other than a vessel or air-
7 craft and all of the following apply:

8 (i) The device is unloaded.

9 (ii) The device is enclosed in a case and ~~either~~ is car-
10 ried in the trunk of the vehicle ~~which~~ IF THAT VEHICLE has a
11 trunk, or THE DEVICE is otherwise not readily accessible to the
12 occupants of the vehicle.

13 (iii) Subdivision (d) applies.

14 (5) A person shall not use an approved signaling device
15 unless he or she reasonably believes ~~that~~ its use is necessary
16 for the safety of the person or of another person on the waters
17 of this state or in an aircraft emergency situation.

18 (6) A person who sells, purchases, or possesses an approved
19 signaling device in violation of this section is guilty of a mis-
20 demeanor, punishable by imprisonment for not more than 90 days
21 ~~—~~ or a fine of not more than \$200.00, or both.

22 (7) A person who uses an approved signaling device in viola-
23 tion of this section is guilty of a misdemeanor ~~—~~ punishable by
24 a fine of not more than \$200.00.

25 Sec. 232. ~~Registration of purchasers of pistols, etc.—~~

26 ~~Any~~ A person engaged in any way or to any extent in the business
27 of selling FIREARMS at retail ~~—, guns, pistols, other fire arms~~

~~1 or silencers for fire arms who shall fail or neglect to~~ SHALL
~~2 keep a register in which shall be entered~~ RECORDING the name,
~~3 age, occupation, and residence (if residing in the city with the~~
~~4 street number of such residence)~~ ADDRESS of each ~~and every~~
~~5 purchaser of such guns, pistols, other fire arms or silencers~~
~~6 for fire arms~~ A FIREARM together with the number or other mark
~~7 of identification, if any, on such gun, pistol, other fire arms~~
~~8 or silencer. for fire arms, which said~~ THE FIREARM. THE regis-
~~9~~ ter shall be open to the inspection of all peace officers at all
~~10~~ times. ~~—, shall be~~ A PERSON WHO VIOLATES THIS SECTION IS guilty
~~11~~ of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
~~12~~ DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

~~13~~ Sec. 232a. ~~(1) Except as provided in subsection (2), a~~
~~14 person who obtains a pistol in violation of section 2 of Act~~
~~15 No. 372 of the Public Acts of 1927, as amended, being section~~
~~16 28.422 of the Michigan Compiled Laws, is guilty of a misdemeanor,~~
~~17 punishable by imprisonment for not more than 90 days or a fine of~~
~~18 not more than \$100.00, or both.~~

~~19~~ ~~(2) Subsection (1) does not apply to a person who obtained a~~
~~20 pistol in violation of section 2 of Act No. 372 of the Public~~
~~21 Acts of 1927 before the effective date of the 1990 amendatory act~~
~~22 that added this subsection, who has not been convicted of that~~
~~23 violation, and who obtains a license as required under section 2~~
~~24 of Act No. 372 of the Public Acts of 1927 within 90 days after~~
~~25 the effective date of the 1990 amendatory act that added this~~
~~26 subsection.~~

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

7 ~~(4) A person who uses or attempts to use false identifica-~~
8 ~~tion or the identification of another person to purchase a fire-~~
9 ~~arm is guilty of a misdemeanor — punishable by imprisonment for~~
10 ~~not more than 90 days or a fine of not more than \$100.00, or~~
11 ~~both.~~

12 Sec. 234d. (1) Except as provided in subsection (2), a
13 person shall not possess a firearm on the premises of any of the
14 following:

15 (a) A depository financial institution or a subsidiary or
16 affiliate of a depository financial institution.

17 (b) A church or other house of religious worship.

18 (c) A school.

19 (d) A court.

20 (e) A theatre.

21 (f) A sports arena.

22 (g) A day care center.

23 (h) A hospital.

24 (i) An establishment licensed under the Michigan liquor con-
25 trol act, Act No. 8 of the Public Acts of the Extra Session of
26 1933, being sections 436.1 to 436.58 of the Michigan Compiled
27 Laws.

1 (2) This section does not apply to any of the following:

2 (a) A person who owns, or is employed by or contracted by,
3 an entity described in subsection (1) if the possession of that
4 firearm is to provide security services for that entity.

5 (b) A peace officer.

6 ~~(c) A person licensed by this state or another state to~~
7 ~~carry a concealed weapon.~~

8 (C) ~~(d)~~ A person who possesses a firearm in a school for
9 purposes of providing or receiving instruction in firearms
10 safety.

11 (D) ~~(e)~~ A person who possesses a firearm on the premises
12 of an entity described in subsection (1) if that possession is
13 with the permission of the owner or an agent of the owner of that
14 entity.

15 (3) A person who violates this section is guilty of a misde-
16 meanor punishable by imprisonment for not more than 90 days —
17 or a fine of not more than \$100.00, or both.

18 Section 2. Sections 227a, 228, 229, and 231b of Act No. 328
19 of the Public Acts of 1931, being sections 750.227a, 750.228,
20 750.229, and 750.231b of the Michigan Compiled Laws, are
21 repealed.

22 Section 3. This amendatory act shall take effect January 1,
23 1995.

24 Section 4. This amendatory act shall not take effect unless
25 Senate Bill No. 690

26 of the 87th Legislature is enacted into law.