



# SENATE BILL No. 1128

April 28, 1994, Introduced by Senators POLLACK, SMITH, CONROY, HOLMES, FAXON, HART, MILLER and KELLY and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to prohibit the manufacture, sale distribution transportation, and possession of assault weapons to create the assault weapons board to prescribe the powers and duties of the assault weapons board and to provide penalties

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1       Sec 1    This act shall be known and may be cited as the  
2 "assault weapons act"

3       Sec 2    As used in this act, "assault weapon" means both of  
4 the following

5       (a) All of the following firearms

6       (1) Automat Kalashnikov semiautomatic firearms

7       (11) Uzi semiautomatic firearms

8       (111) Intratec tec 9 or 22 semiautomatic firearms

9       (1v) Ruger Mini-14 semiautomatic firearm

- 1 (v) Colt AR-15 semiautomatic firearm
- 2 (v1) Beretta AR-70 semiautomatic firearm
- 3 (v11) FN-FAL or FN-FNC semiautomatic firearms
- 4 (v111) Steyr A U G semiautomatic firearm
- 5 (1x) Heckler and Koch HK-91, HK93, and HK94 semiautomatic
- 6 rifles
- 7 (x) USAS 12 semiautomatic shotgun
- 8 (x1) Valmet M-76 or M-78 semiautomatic firearms
- 9 (b) A firearm published in the Michigan register pursuant to
- 10 section 3(4)(c) as an assault weapon
- 11 Sec 3 (1) The assault weapons board is created in the
- 12 department of attorney general The assault weapons board shall
- 13 consist of the following members
- 14 (a) The attorney general or his or her representative
- 15 (b) The director of the department of state police or his or
- 16 her representative
- 17 (c) The director of the department of public health or his
- 18 or her representative
- 19 (d) One individual appointed by the governor with the advice
- 20 and consent of the senate representing the interests of individu-
- 21 als involved in shooting sports
- 22 (e) One individual appointed by the governor with the advice
- 23 and consent of the senate representing the interests of individu-
- 24 als advocating control of assault weapons and handguns, and who
- 25 does not represent the interests of individuals involved in
- 26 shooting sports

1 (f) One individual appointed by the governor with the advice  
2 and consent of the senate who is a police officer who performs  
3 patrol or investigative functions and who is not a supervisor

4 (2) An individual appointed to the board under  
5 subsection (1)(d) or (e) shall serve a term of 2 years A  
6 vacancy shall be filled in the same manner as an original  
7 appointment

8 (3) The attorney general shall chair the assault weapons  
9 board

10 (4) The assault weapons board shall do all of the  
11 following

12 (a) Meet from time to time but not less often than twice  
13 annually to consider the placement of firearms on the list of  
14 proscribed assault weapons A meeting held pursuant to this sub-  
15 section is subject to the open meetings act, Act No 267 of the  
16 Public Acts of 1976, being sections 15 261 to 15 275 of the  
17 Michigan Compiled Laws

18 (b) Produce a report of the assault weapons board's findings  
19 regarding the firearms considered at the meeting The assault  
20 weapons board shall immediately make the report available to the  
21 public and immediately provide copies of the report to the secre-  
22 tary of the senate and the clerk of the house

23 (c) Immediately submit for publication in the Michigan reg-  
24 ister the list of firearms the assault weapons board has deter-  
25 mined pursuant to section 4 are assault weapons

26 Sec 4 The assault weapons board shall place a firearm on  
27 the list of weapons that are proscribed as assault weapons if the

1 utility of the firearm as a sporting firearm is outweighed by its  
2 usefulness in crime In reaching its determination, the assault  
3 weapons board shall consider all of the following

4 (a) The quality of manufacture of the firearm

5 (b) The magazine capacity of the firearm

6 (c) The destructive capability of the firearm

7 (d) The concealability of the firearm

8 (e) The incidence of use of the firearm for sporting  
9 purposes

10 (f) The incidence of use of the firearm for criminal  
11 purposes

12 (g) The manner in which the firearm is marketed for use

13 (h) Other factors considered appropriate by the assault  
14 weapons board

15 Sec 5 The consideration of a firearm by the assault weap-  
16 ons board and the publication of that firearm in the Michigan  
17 register as an assault weapon is not subject to the administra-  
18 tive procedures act of 1969, Act No 306 of the Public Acts of  
19 1969, being sections 24 201 to 24 328 of the Michigan Compiled  
20 Laws

21 Sec 6 (1) A person shall not manufacture, sell, distrib-  
22 ute, transport, or possess in this state a firearm defined under  
23 section 2(a) as an assault weapon after the expiration of 90 days  
24 after the effective date of this act

25 (2) A person shall not manufacture, sell distribute, trans-  
26 port, or possess in this state a firearm listed in the Michigan  
27 register by the assault weapons board as an assault weapon after

1 the expiration of 90 days after the firearm is listed as an  
2 assault weapon

3 (3) A person who violates this section is guilty of a felony  
4 punishable by imprisonment for not more than 4 years or a fine of  
5 not more than \$2,500 00, or both

6 (4) This section does not apply to any of the following

7 (a) The military forces of this state, another state, or the  
8 United States

9 (b) A peace officer performing his or her duties as a peace  
10 officer

11 (c) A corrections officer performing his or her duties as a  
12 corrections officer

13 Sec 7 This act shall not take effect unless Senate Bill  
14 No 1129 of the  
15 87th Legislature is enacted into law