



HOUSE BILL No. 5981

July 2, 1996, Introduced by Rep. Fitzgerald and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 243e of Act No. 328 of the Public Acts of 1931, entitled as amended
"The Michigan penal code,"
being section 750.243e of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 243e of Act No. 328 of the Public Acts
2 of 1931, being section 750.243e of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 243e. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
5 A person ~~, firm, copartnership or corporation,~~ who violates
6 ~~any of the provisions of sections 243a to 243d~~ SECTION 243A,
7 243B, 243C, OR 243D, or who violates the terms of ~~any~~ A permit
8 issued ~~thereunder~~ UNDER SECTION 243A, 243B, 243C, OR 243D, is
9 guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 93 DAYS OR A FINE OR NOT MORE THAN \$500.00, OR BOTH.

1 (2) A PERSON WHO OFFERS FOR SALE, EXPOSES FOR SALE, SELLS AT
2 RETAIL, OR KEEPS WITH INTENT TO SELL AT RETAIL FIREWORKS IN VIO-
3 LATION OF SECTION 243A IS GUILTY OF A CRIME AS FOLLOWS:

4 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), IF THE
5 VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIREWORKS, THE PERSON IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (B) IF THE VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIRE-
9 WORKS AND THE PERSON HAS 1 PRIOR CONVICTION FOR VIOLATING SECTION
10 243A, 243B, 243C, OR 243D OR A PERMIT ISSUED UNDER SECTION 243A,
11 243B, 243C, OR 243D, THE PERSON IS GUILTY OF A MISDEMEANOR PUN-
12 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT
13 MORE THAN \$500.00, OR BOTH.

14 (C) IF THE VIOLATION INVOLVES LESS THAN 5 POUNDS OF FIRE-
15 WORKS AND THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR VIOLAT-
16 ING SECTION 243A, 243B, 243C, OR 243D OR A PERMIT ISSUED UNDER
17 SECTION 243A, 243B, 243C, OR 243D, THE PERSON IS GUILTY OF A
18 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
19 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

20 (D) EXCEPT AS PROVIDED IN SUBDIVISION (E), IF THE VIOLATION
21 INVOLVES 5 OR MORE POUNDS OF FIREWORKS BUT LESS THAN 25 POUNDS OF
22 FIREWORKS, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
23 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
24 \$1,000.00, OR BOTH.

25 (E) IF THE VIOLATION INVOLVES 5 OR MORE POUNDS OF FIREWORKS
26 BUT LESS THAN 25 POUNDS OF FIREWORKS AND THE PERSON HAS 1 OR MORE
27 PRIOR CONVICTIONS FOR VIOLATING SECTION 243A, 243B, 243C, OR 243D

1 OR A PERMIT ISSUED UNDER SECTION 243A, 243B, 243C, OR 243D, THE
2 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
3 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

4 (F) IF THE VIOLATION INVOLVES 25 OR MORE POUNDS OF FIRE-
5 WORKS, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-
6 MENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
7 \$2,500.00, OR BOTH.

8 (3) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL,
9 PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR
10 OTHER LEGAL ENTITY.