

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1095 (Substitute S-1 as reported)
Sponsor: Senator Christopher D. Dingell
Committee: Hunting, Fishing and Forestry

Date Completed: 6-23-98

RATIONALE

Under the Michigan Penal Code, any person who sells a pistol without complying with the handgun licensure Act is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of up to \$100; and any person who sells a firearm more than 30 inches long to a person under 18 years of age is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of up to \$500 for the first offense, or a felony punishable by imprisonment for up to four years and/or a fine of up to \$2,000 for a subsequent violation. In addition, a seller who sells a firearm or ammunition to a person whom the seller knows has either committed a felony or been prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm, is guilty of a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$5,000.

A type of firearm that is popular among some people, including competitive shooters and history enthusiasts, uses black powder as a propellant. Apparently, some outdoor catalog companies have been refusing to sell their black powder products to Michigan buyers because of the strict State firearm penalties. Even though the current law does not impose any license requirements or penalties for the sale of black powder firearms and products, it has been suggested that the law should specify that a Federal license is not necessary to sell or offer to sell black powder firearms and products through electronic or print media.

CONTENT

The bill would amend Chapter 37 (Firearms) of the Michigan Penal Code to provide that a seller would not need to have a Federal license to sell or offer to sell black powder or a product substantially equivalent to it, or a firearm that used black powder or a product substantially equivalent to it, through

the Internet or other electronic media, or through a newspaper, magazine, or other print media.

Proposed MCL 750.223a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Black powder, or a black powder substitute, is used as a propellant in muzzle loading rifles, handguns, and shotguns. Muzzleloaders, which date from the 1500s, are used in competitive shooting, recreational target shooting, and hunting. Shooting events include rendezvous (which are gatherings of shooters and bystanders usually characterized by clothing and accessories common to the 18th and 19th centuries) and local or national shoots (which emphasize shooting skill rather than historical accuracy). By establishing in statute that a Federal license is not needed to sell black powder firearms and products through electronic or print media, the bill would reassure outdoor recreation and firearm companies that they could sell to Michigan customers.

Response: The current law does not require a Federal license to sell or offer to sell black powder firearms or products through electronic or print media. In addition, according to the Federal Bureau of Alcohol, Tobacco, and Firearms, weapons actually manufactured in or before 1898 are not subject to regulation as firearms. Modern replicas of antique firearms using an antique form of ignition such as matchlock, flintlock, or percussion caps are also not subject to Federal regulation as firearms.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.