

SENATE BILL No. 1381

September 9, 2004, Introduced by Senators JACOBS and BRATER and referred to the Committee on Judiciary.

A bill to regulate the manufacture, possession, purchase, sale, and transfer of assault weapons; to provide certain powers and duties for certain state and local officials and agencies; to Provide for the promulgation of rules; 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 weapon regulation act".

3 Sec. 2. As used in this act:

4 (a) "Assault weapon" means any of the following:

5 (i) A semiautomatic pistol or semiautomatic or pump-action
6 rifle that is capable of accepting a detachable magazine that
7 holds more than 10 rounds of ammunition and that has any of the
8 following features:

9 (A) If the firearm is a rifle, a pistol grip located rear of
10 the trigger.

1 (B) If the firearm is a pistol, a shoulder stock of any type
2 or configuration including, but not limited to, a folding stock
3 or a telescoping stock.

4 (C) A barrel shroud.

5 (D) A muzzle brake or muzzle compensator.

6 (E) A feature capable of functioning as a protruding grip
7 that can be held by the hand that is not the trigger hand.

8 (ii) A pistol that is capable of accepting a detachable
9 magazine at any location outside of the pistol grip.

10 (iii) A semiautomatic pistol or a semiautomatic, center-fire
11 rifle with a fixed magazine capable of containing more than 10
12 rounds of ammunition.

13 (iv) A shotgun that is capable of accepting a detachable
14 magazine.

15 (v) A shotgun with a revolving cylinder.

16 (b) "Barrel shroud" means a covering, other than a slide,
17 that is attached to, or that substantially or completely
18 encircles the barrel of, a firearm and that allows the bearer of
19 the firearm to hold the barrel with the nonshooting hand while
20 firing the firearm without burning that hand. Barrel shroud does
21 not include an extension of the stock along the bottom of the
22 barrel if the extension of the stock does not substantially or
23 completely encircle the barrel.

24 (c) "Conversion kit" means a part or combination of parts
25 designed and intended for use in converting a firearm into an
26 assault weapon.

27 (d) "Detachable magazine" means a magazine that delivers 1

1 or more ammunition cartridges into the firing chamber and that
2 can be removed from the firearm without the use of any tool,
3 including a bullet or ammunition cartridge.

4 (e) "Muzzle brake" means a device attached to the muzzle of
5 a firearm that utilizes escaping gas to reduce recoil.

6 (f) "Muzzle compensator" means a device attached to the
7 muzzle of a firearm that utilizes escaping gas to control muzzle
8 movement.

9 Sec. 3. (1) Except as otherwise provided in subsection (3)
10 and section 4, a person shall not manufacture, possess, purchase,
11 sell, or otherwise transfer to another person an assault weapon
12 or an assault weapon conversion kit.

13 (2) Except as otherwise provided in subsection (4) and
14 section 4, a person shall not possess at the same time, or have
15 under his or her control at the same time, both of the
16 following:

17 (a) A semiautomatic or pump-action rifle or semiautomatic
18 pistol capable of accepting a detachable magazine.

19 (b) A magazine capable of use with that firearm that contains
20 more than 10 rounds of ammunition.

21 (3) Subsection (1) does not apply to any of the following:

22 (a) A person who possesses an unloaded assault weapon for the
23 purpose of permanently relinquishing it to a law enforcement
24 agency in this state pursuant to rules adopted for that purpose
25 by the department of state police. An assault weapon
26 relinquished under this subsection shall be turned over to the
27 department of state police under section 239 of the Michigan

1 penal code, 1931 PA 328, MCL 750.239, and destroyed.

2 (b) A licensed manufacturer or licensed dealer who transfers
3 an assault weapon to a law enforcement agency in this state for
4 use by that agency or its employees for law enforcement
5 purposes.

6 (c) A person who possesses an assault weapon that has been
7 permanently disabled so that it is incapable of discharging a
8 projectile.

9 (4) Subsection (2) does not apply to any of the following:

10 (a) A person lawfully engaged in shooting at a licensed and
11 lawfully operated shooting range.

12 (b) A person lawfully participating in a sporting event
13 officially sanctioned by a club or organization established in
14 whole or in part for the purpose of sponsoring sport shooting
15 events.

16 Sec. 4. (1) A person may continue to possess an assault
17 weapon that he or she legally possessed on the effective date of
18 this act if all of the following apply:

19 (a) The person immediately registers the assault weapon with
20 the department of state police in compliance with rules adopted
21 for that purpose by the department of state police.

22 (b) The person safely and securely stores the assault weapon
23 in compliance with rules adopted for that purpose by the
24 department of state police. The department of state police may,
25 not more than once per year, conduct an administrative inspection
26 of the storage premises to ensure compliance with this
27 subsection.

1 (c) The person annually renews the registration of the
2 assault weapon.

3 (d) The person possesses the assault weapon only on property
4 owned or immediately controlled by the person or while engaged in
5 the legal use of the assault weapon at a licensed firing range or
6 while traveling to or from that property or firing range to
7 engage in the legal use of the assault weapon if the assault
8 weapon is stored unloaded and in a separate locked container
9 during transport.

10 (2) Notwithstanding any other provision of this act, a person
11 who, after the effective date of this act, acquires ownership of
12 an assault weapon by inheritance, bequest, or succession shall,
13 within 30 days after acquiring ownership of the assault weapon,
14 do 1 of the following:

15 (a) Comply with all of the requirements of subsection (1).

16 (b) Relinquish the assault weapon to a law enforcement
17 agency.

18 (c) Permanently disable the assault weapon so that it is
19 incapable of discharging a projectile.

20 (3) The department of state police may charge a fee for each
21 registration and for each renewal registration under this
22 section. The fee shall not exceed the actual and reasonable
23 costs incurred by the department of state police in registering
24 or renewing the registration of the assault weapon.

25 Sec. 5. The department of state police shall promulgate
26 rules pursuant to the administrative procedures act of 1969, 1969
27 PA 306, MCL 24.201 to 24.328, to implement this act.

1 Sec. 6. (1) A person who violates this act is guilty of a
2 felony punishable by imprisonment for not more than 4 years or a
3 fine of not more than \$2,100.00, or both.

4 (2) The department of state police shall immediately revoke
5 the registration of each assault weapon owned by a person
6 convicted of violating this act.