

HOUSE BILL No. 4491

March 20, 2007, Introduced by Reps. Sheltrown, Opsommer, Stahl, Miller, Palsrok, Hoogendyk, Meekhof, Nitz, LeBlanc, Mayes and Meltzer and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 224b and 231a (MCL 750.224b and 750.231a),
section 231a as amended by 2002 PA 82; and to repeal acts and parts
of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 224b. (1) A person shall not manufacture, sell, offer for
2 sale, or possess a short-barreled shotgun or a short-barreled
3 rifle.

4 (2) A person who violates this section is guilty of a felony
5 punishable by imprisonment for not more than 5 years ~~—~~or a fine of
6 not more than \$2,500.00, or both.

7 (3) ~~The provisions of this~~ **THIS** section ~~shall~~ **DOES** not apply

1 to the sale, offering for sale, or possession of a short-barreled
2 rifle or a short-barreled shotgun which the secretary of the
3 treasury of the United States of America, or his **OR HER** delegate,
4 ~~pursuant to U.S.C. title 26, section~~ **UNDER 26 USC, SECTIONS** 5801
5 through 5872, or ~~U.S.C. title 18,~~ **18 USC**, sections 921 through 928,
6 has found to be a curio, relic, antique, museum piece, or
7 collector's item not likely to be used as a weapon, but only if the
8 person selling, offering for sale or possessing the firearm has
9 also fully complied with ~~the provisions of sections 2 and 9 of Act~~
10 ~~No. 372 of the Public Acts of 1927, as amended, being sections~~
11 ~~28.422 and 28.429 of the Michigan Compiled Laws~~ **SECTION 2 OF 1927**
12 **PA 372, MCL 28.422.**

13 ~~The provisions of section~~ **SECTION** 20 of chapter 16 of ~~Act No.~~
14 ~~175 of the Public Acts of 1927, as added by Act No. 299 of the~~
15 ~~Public Acts of 1968, being section 776.20 of the Michigan Compiled~~
16 ~~Laws, are applicable~~ **THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,**
17 **MCL 776.20, APPLIES** to this subsection.

18 Sec. 231a. (1) Subsection (2) of section 227 does not apply to
19 any of the following:

20 (a) To a person holding a valid license to carry a pistol
21 concealed upon his or her person issued by his or her state of
22 residence except where the pistol is carried in nonconformance with
23 a restriction appearing on the license.

24 (b) To the regular and ordinary transportation of pistols as
25 merchandise by an authorized agent of a person licensed to
26 manufacture firearms.

27 (c) To a person carrying an antique firearm as defined in

1 subsection (2), completely unloaded in a closed case or container
2 designed for the storage of firearms in the trunk of a vehicle.

3 (d) To a person while transporting a pistol for a lawful
4 purpose that is licensed by the owner or occupant of the motor
5 vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422,
6 and the pistol is unloaded in a closed case designed for the
7 storage of firearms in the trunk of the vehicle.

8 (e) To a person while transporting a pistol for a lawful
9 purpose that is licensed by the owner or occupant of the motor
10 vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422,
11 and the pistol is unloaded in a closed case designed for the
12 storage of firearms in a vehicle that does not have a trunk and is
13 not readily accessible to the occupants of the vehicle.

14 (2) As used in this section:

15 (a) "Antique firearm" means either of the following:

16 (i) A firearm not designed or redesigned for using rimfire or
17 conventional center fire ignition with fixed ammunition and
18 manufactured in or before 1898, including a matchlock, flintlock,
19 percussion cap, or similar type of ignition system or replica of
20 such a firearm, whether actually manufactured before or after 1898.

21 (ii) A firearm using fixed ammunition manufactured in or before
22 1898, for which ammunition is no longer manufactured in the United
23 States and is not readily available in the ordinary channels of
24 commercial trade.

25 (b) "Lawful purpose" includes the following:

26 (i) While en route to or from a hunting or target shooting
27 area.

1 (ii) While transporting a pistol en route to or from his or her
2 home or place of business and place of repair.

3 (iii) While moving goods from 1 place of abode or business to
4 another place of abode or business.

5 (iv) While transporting a licensed pistol en route to or from a
6 law enforcement agency ~~for the purpose of having a safety~~
7 ~~inspection performed on the pistol as is required by section 9 of~~
8 ~~1927 PA 372, MCL 28.429,~~ or for the purpose of having a law
9 enforcement official take possession of the weapon.

10 (v) While en route to or from his or her abode or place of
11 business and a gun show or places of purchase or sale.

12 (vi) While en route to or from his or her abode to a public
13 shooting facility or public land where discharge of firearms is
14 permitted by law, rule, regulation, or local ordinance.

15 (vii) While en route to or from his or her abode to a private
16 property location where the pistol is to be used as is permitted by
17 law, rule, regulation, or local ordinance.

18 Enacting section 1. Section 228 of the Michigan penal code,
19 1931 PA 328, MCL 750.228, is repealed.

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 4490(request no.
22 00859'07 *) of the 94th Legislature is enacted into law.