

HOUSE BILL No. 5040

July 19, 2007, Introduced by Reps. Mayes, Nofs, Polidori, Steil, Wojno, Meekhof, Calley, LeBlanc, Miller, Stahl, Hansen, Sheltroun, Alma Smith, Moss, Pearce, Bieda, Rick Jones, Casperson, Espinoza, LaJoy, Dean and Hammon 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 section 231a (MCL 750.231a), as amended by 2002 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

10 (c) To a person carrying an antique firearm as defined in
11 subsection (2), completely unloaded in a closed case or container

1 designed for the storage of firearms in the trunk of a vehicle.

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

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

13 **(F) TO A PERSON WHILE TRANSPORTING AN UNLOADED PISTOL EN ROUTE**
14 **TO OR FROM A LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF COMPLYING**
15 **WITH SECTION 9(1) OF 1927 PA 372, MCL 28.429, IF THE PISTOL IS IN A**
16 **CLOSED CASE OR CONTAINER DESIGNED FOR THE STORAGE OF FIREARMS AND**
17 **EITHER IN THE TRUNK OF THE VEHICLE OR NOT READILY ACCESSIBLE TO THE**
18 **OCCUPANTS OF A VEHICLE THAT DOES NOT HAVE A TRUNK.**

19 (2) As used in this section:

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

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

26 (ii) A firearm using fixed ammunition manufactured in or before
27 1898, for which ammunition is no longer manufactured in the United

1 States and is not readily available in the ordinary channels of
2 commercial trade.

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

4 (i) While en route to or from a hunting or target shooting
5 area.

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

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

10 (iv) While transporting a licensed pistol en route to or from a
11 law enforcement agency for the purpose of having a safety
12 inspection performed on the pistol as is required by section 9 of
13 1927 PA 372, MCL 28.429, or for the purpose of having a law
14 enforcement official take possession of the weapon.

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

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

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

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No.____ or House Bill No. 5039(request no.
25 02113'07) of the 94th Legislature is enacted into law.