

SUBSTITUTE FOR
HOUSE BILL NO. 4501

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 1 (MCL 28.421), as amended by 2008 PA 407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL
4 761.1, or a violation of a law of the United States or another
5 state that is designated as a felony or that is punishable by death

1 or by imprisonment for more than 1 year.

2 (b) "Firearm" means a weapon from which a dangerous projectile
3 may be propelled by an explosive, or by gas or air. Firearm does
4 not include a smooth bore rifle or handgun designed and
5 manufactured exclusively for propelling by a spring, or by gas or
6 air, ~~BB's~~ BBS not exceeding .177 caliber.

7 (c) "Misdemeanor" means a violation of a penal law of this
8 state or violation of a local ordinance substantially corresponding
9 to a violation of a penal law of this state that is not a felony or
10 a violation of an order, rule, or regulation of a state agency that
11 is punishable by imprisonment or a fine that is not a civil fine,
12 or both.

13 (d) "Peace officer" means, except as otherwise provided in
14 this act, an individual who is employed as a law enforcement
15 officer, as that term is defined under section 2 of the commission
16 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
17 state or another state, a political subdivision of this state or
18 another state, or the United States, and who is required to carry a
19 firearm in the course of his or her duties as a law enforcement
20 officer.

21 (e) "Pistol" means a loaded or unloaded firearm that is ~~30~~26
22 inches or less in length, or a loaded or unloaded firearm that by
23 its construction and appearance conceals it as a firearm.

24 (f) "Purchaser" means a person who receives a pistol from
25 another person by purchase or gift.

26 (g) "Reserve peace officer", "auxiliary officer", or "reserve
27 officer" means, except as otherwise provided in this act, an

1 individual authorized on a voluntary or irregular basis by a duly
2 authorized police agency of this state or a political subdivision
3 of this state to act as a law enforcement officer, who is
4 responsible for the preservation of the peace, the prevention and
5 detection of crime, and the enforcement of the general criminal
6 laws of this state, and who is otherwise eligible to possess a
7 firearm under this act.

8 (h) "Retired police officer" or "retired law enforcement
9 officer" means an individual who was a police officer or law
10 enforcement officer who was certified as described under section 9a
11 of the commission on the law enforcement standards act, 1965 PA
12 203, MCL 28.609a, and retired in good standing from his or her
13 employment as a police officer or law enforcement officer.

14 (i) "Seller" means a person who sells or gives a pistol to
15 another person.

16 (j) "State court judge" means a judge of the district court,
17 circuit court, probate court, or court of appeals or justice of the
18 supreme court of this state who is serving either by election or
19 appointment.

20 (k) "State court retired judge" means a judge or justice
21 described in subdivision (j) who is retired, or a retired judge of
22 the records court.

23 Enacting section 1. This amendatory act takes effect January
24 1, 2010.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 95th Legislature are
27 enacted into law:

1 (a) House Bill No. 4502.

2 (b) Senate Bill No. _____ or House Bill No. 5038.

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