

SENATE BILL No. 41

January 27, 2009, Introduced by Senator BASHAM and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 225. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON
2 SHALL NOT DO EITHER OF THE FOLLOWING:

3 (A) REMOVE, DISGUISE, CLOAK, COVER, CONCEAL, OR MASK THE
4 COLORED MARKINGS REQUIRED ON A TOY, LOOK-ALIKE, OR IMITATION
5 FIREARM UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES.

6 (B) ADD OR INSTALL ANY COLOR OR MARKINGS THAT ARE REQUIRED FOR
7 AN IMITATION FIREARM UNDER THE LAWS OF THIS STATE OR OF THE UNITED
8 STATES IN A WAY THAT MAKES A FIREARM LOOK MORE LIKE AN IMITATION
9 FIREARM.

10 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 18 MONTHS OR A FINE OF

1 NOT MORE THAN \$10,000.00, OR BOTH.

2 (3) THIS SECTION DOES NOT APPLY TO A MANUFACTURER, IMPORTER,
3 OR DISTRIBUTOR OF IMITATION FIREARMS OR TO THE LAWFUL USE OF AN
4 IMITATION FIREARM IN A MOTION PICTURE, TELEVISION, STAGE, OR OTHER
5 THEATRICAL PRODUCTION.

6 (4) AS USED IN THIS SECTION:

7 (A) "BB GUN" MEANS A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND
8 MANUFACTURED EXCLUSIVELY TO PROPEL BBS THAT DO NOT EXCEED .177
9 CALIBER BY A SPRING OR BY GAS OR AIR.

10 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 222.

11 (C) "IMITATION FIREARM" MEANS A BB GUN, TOY GUN, REPLICAS OF A
12 FIREARM, OR OTHER DEVICE THAT IS SO SUBSTANTIALLY SIMILAR IN
13 COLORATION AND OVERALL APPEARANCE TO AN EXISTING FIREARM AS TO LEAD
14 A REASONABLE PERSON TO PERCEIVE THAT THE DEVICE IS A FIREARM.