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BILL ANALYSIS

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Senate Bill 610 (as enacted)
Sponsor: Senator Mike Green
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 63 of 2014

Date Completed: 7-2-14

CONTENT

The bill amended Chapter 37 (Firearms) of the Michigan Penal Code to do the following:

- **Revise the prohibition against manufacturing, selling, or possessing a short-barreled shotgun or short-barreled rifle, and expand an exception to that prohibition.**
- **Require a person who possesses a short-barreled shotgun or short-barreled rifle longer than 26 inches to have a Federal registration of that weapon, and prescribe a civil infraction penalty and seizure of the weapon for a violation.**

The bill took effect on March 27, 2014.

Revised Prohibition & Exception

The bill prohibits a person from making, manufacturing, transferring, or possessing a short-barreled shotgun or short-barreled rifle. Previously, Chapter 37 prohibited manufacturing, selling, offering for sale, or possessing such a weapon. The bill retained the felony penalty of up to five years' imprisonment and/or a maximum fine of \$2,500.

Previously, the prohibition did not apply to the sale, offering for sale, or possession of a short-barreled rifle or short-barreled shotgun that the U.S. Secretary of Treasury, or the Secretary's delegate, under Federal law had found to be a curio, relic, antique, museum piece, or collector's item not likely to be used as a weapon, but only if the person selling, offering for sale, or possessing the firearm had fully complied with the handgun licensure law's requirement to obtain a pistol license before purchasing, carrying, possessing, or transporting a pistol. The bill deleted that exception.

The prohibition under the bill, instead, does not apply to a short-barreled shotgun or short-barreled rifle that is lawfully made, manufactured, transferred, or possessed under Federal law. A person, excluding a manufacturer, lawfully making, transferring, or possessing a short-barreled shotgun or short-barreled rifle less than 26 inches long must comply with the handgun licensure law's requirement to obtain a pistol license.

Chapter 37 defines "short-barreled shotgun" as a shotgun having one or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches. "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

Federal Registration Requirement & Seizure

The bill specifies that a person who possesses a short-barreled shotgun or short-barreled rifle longer than 26 inches must possess a copy of the Federal registration of that weapon while transporting or using it, and must present the Federal registration to a peace officer upon his or her request. A person who violates that provision is responsible for a State civil infraction and may be fined up to \$100.

A short-barreled shotgun or short-barreled rifle carried in violation of the requirement to possess a Federal registration is subject to immediate seizure by a peace officer. The person from whom the weapon is seized has 45 days to display the Federal registration to an authorized employee of the law enforcement entity employing the police officer who seized the weapon. If the person presents the Federal registration within that period, the law enforcement entity must return the short-barreled shotgun or short-barreled rifle to the person unless he or she is prohibited by law from possessing a firearm. If the person does not display the Federal registration within 45 days, the weapon is subject to seizure and forfeiture in the same manner as property seized and forfeited under the Revised Judicature Act.

MCL 750.224b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have an indeterminate, likely minor, fiscal impact on State and local government. In 2012, there were 69 felony dispositions for the offense of manufacturing, selling, or possessing short-barreled shotguns or rifles. Of those 69 dispositions, 14 resulted in prison sentences, 28 in jail time, 24 in probation, and three in other sanctions. The bill may reduce the number of individuals charged with the offense. However, the prohibition still applies to those individuals who are not in compliance with applicable Federal law. There are no data to indicate how many, if any, of the 69 felony offenders in 2012 were in compliance with Federal law despite violating current State law.

The bill creates a State civil infraction fine, which may increase the revenue to public libraries.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.