

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 610

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 224b (MCL 750.224b), as amended by 2008 PA 196.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) A person who violates ~~this section~~ **SUBSECTION (1)** is
5 guilty of a felony punishable by imprisonment for not more than 5
6 years or a fine of not more than \$2,500.00, or both.

7 ~~—— (3) This section does not apply to the sale, offering for~~
8 ~~sale, or possession of a short barreled rifle or a short barreled~~
9 ~~shotgun which the secretary of the treasury of the United States of~~
10 ~~America, or his or her delegate, under 26 USC, sections 5801~~

1 ~~through 5872, or 18 USC, sections 921 through 928, has found to be~~
2 ~~a curio, relic, antique, museum piece, or collector's item not~~
3 ~~likely to be used as a weapon, but only if the person selling,~~
4 ~~offering for sale or possessing the firearm has also fully complied~~
5 ~~with section 2 or 2a of 1927 PA 372, MCL 28.422 and 28.422a.~~

6 (3) SUBSECTION (1) DOES NOT APPLY TO A SHORT-BARRELED SHOTGUN
7 OR SHORT-BARRELED RIFLE THAT IS LAWFULLY MADE, MANUFACTURED,
8 TRANSFERRED, OR POSSESSED UNDER FEDERAL LAW.

9 (4) A PERSON, EXCLUDING A MANUFACTURER, LAWFULLY MAKING,
10 TRANSFERRING, OR POSSESSING A SHORT-BARRELED SHOTGUN OR SHORT-
11 BARRELED RIFLE THAT IS 26 INCHES OR LESS IN LENGTH UNDER THIS
12 SECTION SHALL COMPLY WITH SECTION 2 OR 2A OF 1927 PA 372, MCL
13 28.422 AND 28.422A.

14 (5) A PERSON WHO POSSESSES A SHORT-BARRELED SHOTGUN OR SHORT-
15 BARRELED RIFLE THAT IS GREATER THAN 26 INCHES IN LENGTH UNDER THIS
16 SECTION SHALL POSSESS A COPY OF THE FEDERAL REGISTRATION OF THAT
17 SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE WHILE TRANSPORTING
18 OR USING THAT SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE AND
19 SHALL PRESENT THAT FEDERAL REGISTRATION TO A PEACE OFFICER UPON
20 REQUEST BY THAT PEACE OFFICER.

21 (6) A PERSON WHO VIOLATES SUBSECTION (5) IS RESPONSIBLE FOR A
22 STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00. A
23 SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE CARRIED IN VIOLATION
24 OF SUBSECTION (5) IS SUBJECT TO IMMEDIATE SEIZURE BY A PEACE
25 OFFICER. IF A PEACE OFFICER SEIZES A SHORT-BARRELED SHOTGUN OR
26 SHORT-BARRELED RIFLE UNDER THIS SUBSECTION, THE PERSON HAS 45 DAYS
27 IN WHICH TO DISPLAY THE FEDERAL REGISTRATION TO AN AUTHORIZED

1 EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE
2 OFFICER. IF THE PERSON DISPLAYS THE FEDERAL REGISTRATION TO AN
3 AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE
4 PEACE OFFICER WITHIN THE 45-DAY PERIOD, THE AUTHORIZED EMPLOYEE OF
5 THAT LAW ENFORCEMENT ENTITY SHALL RETURN THE SHORT-BARRELED SHOTGUN
6 OR SHORT-BARRELED RIFLE TO THE PERSON UNLESS THE PERSON IS
7 PROHIBITED BY LAW FROM POSSESSING A FIREARM. IF THE PERSON DOES NOT
8 DISPLAY THE FEDERAL REGISTRATION WITHIN THE 45-DAY PERIOD, THE
9 SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE IS SUBJECT TO
10 SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROPERTY IS SUBJECT
11 TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO 4709 OF THE
12 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO
13 600.4709.

14 (7) Section 20 of chapter ~~16~~XVI of the code of criminal
15 procedure, 1927 PA 175, MCL 776.20, applies to ~~this~~ subsection (3).