

# HOUSE BILL No. 6003

October 19, 2016, Introduced by Rep. Wittenberg and referred to the Committee on Criminal Justice.

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 (3), A PERSON  
2 SHALL NOT DO 1 OR MORE OF THE FOLLOWING:

3        (A) POSSESS AN IMITATION FIREARM IN A PUBLIC PLACE.

4        (B) REMOVE, DISGUISE, CLOAK, COVER, CONCEAL, ALTER,  
5 OBLITERATE, OR MASK THE COLORED MARKINGS REQUIRED ON AN IMITATION  
6 FIREARM UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES.

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

1           (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR  
3 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

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

8           (4) AS USED IN THIS SECTION:

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

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

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

17           (D) "PUBLIC PLACE" MEANS EITHER OF THE FOLLOWING:

18           (i) AN AREA OPEN TO THE PUBLIC, INCLUDING, BUT NOT LIMITED TO,  
19 A STREET, SIDEWALK, BRIDGE, ALLEY, PLAZA, PARK, DRIVEWAY, PARKING  
20 LOT, SCHOOL PROPERTY, OR MOTOR VEHICLE.

21           (ii) A BUILDING OPEN TO THE PUBLIC, INCLUDING, BUT NOT LIMITED  
22 TO, A BUSINESS THAT SERVES FOOD OR DRINK, OR PROVIDES  
23 ENTERTAINMENT, A SCHOOL, OR THE DOORWAY OR ENTRANCE TO A BUILDING.

24           (E) "SCHOOL" AND "SCHOOL PROPERTY" MEAN THOSE TERMS AS DEFINED  
25 IN SECTION 237A.

26           Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.