



SENATE BILL No. 707

June 17, 1993, Introduced by Senators DINGELL and STABENOW and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 223 of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended by Act No. 221 of the Public Acts of 1992, being section 750.223 of the Michigan Compiled Laws; and to add section 223a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 223 of Act No. 328 of the Public Acts of
2 1931, as amended by Act No. 221 of the Public Acts of 1992, being
3 section 750.223 of the Michigan Compiled Laws, is amended and
4 section 223a is added to read as follows:

5 Sec. 223. (1) A person who knowingly sells a pistol without
6 complying with section 2 of Act No. 372 of the Public Acts of
7 1927, as amended, being section 28.422 of the Michigan Compiled
8 Laws, is guilty of a misdemeanor ~~—~~ punishable by imprisonment

1 for not more than 90 days ~~—~~ or a fine of not more than \$100.00,
2 or both.

3 (2) A person who knowingly sells, FURNISHES, LOANS, OR GIVES
4 a firearm ~~more than 30 inches in length~~ to ~~a person under~~ AN
5 INDIVIDUAL WHO THE PERSON KNOWS IS LESS THAN 18 years of age is
6 guilty of a misdemeanor ~~—~~ punishable by imprisonment for not
7 more than ~~90 days~~ 1 YEAR, or a fine of not more than \$500.00,
8 or both. A second or subsequent violation of this subsection is
9 a felony punishable by imprisonment for not more than 4 years ~~—~~
10 or a fine of not more than \$2,000.00, or both. It is an affirma-
11 tive defense to a prosecution under this subsection that the
12 person who sold, FURNISHED, LOANED, OR GAVE the firearm ~~asked to~~
13 ~~see and~~ was shown a driver's license or identification card
14 issued by a FEDERAL, state, OR LOCAL GOVERNMENT AGENCY that iden-
15 tified the ~~purchaser~~ INDIVIDUAL as being 18 years of age or
16 older.

17 (3) SUBSECTION (2) DOES NOT APPLY TO A PERSON WHO FURNISHES,
18 LOANS, OR GIVES A FIREARM TO AN INDIVIDUAL WHO IS LESS THAN 18
19 YEARS OF AGE IF POSSESSION OF THE FIREARM BY THAT INDIVIDUAL IS
20 WITH THE CONSENT OF THE INDIVIDUAL'S PARENT OR GUARDIAN, IS FOR
21 LAWFUL DEFENSE OF PERSONS OR PROPERTY, OR IS FOR LAWFUL HUNTING
22 OR SHOOTING SKILL PRACTICE.

23 (4) ~~(3)~~ A seller shall not sell a firearm or ammunition to
24 a person if the seller knows that either of the following circum-
25 stances exists:

26 (a) The person is under indictment for a felony. As used in
27 this subdivision, "felony" means a violation of a law of this

1 state, or of another state, or of the United States that is
2 punishable by imprisonment for 4 years or more.

3 (b) The person is prohibited under section 224f from pos-
4 sassing, using, transporting, selling, purchasing, carrying,
5 shipping, receiving, or distributing a firearm.

6 (5) ~~(4)~~ A person who violates subsection ~~(3)~~ (4) is
7 guilty of a felony ~~—~~ punishable by imprisonment for not more
8 than 10 years ~~—~~ or ~~by~~ a fine of not more than \$5,000.00, or
9 both.

10 (6) ~~(5)~~ As used in this section, "licensed dealer" means a
11 person licensed under section 923 of chapter 44 of title 18 of
12 the United States Code who regularly buys and sells firearms as a
13 commercial activity with the principal objective of livelihood
14 and profit.

15 SEC. 223A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
16 TION, A PERSON WHO KNOWINGLY SELLS, FURNISHES, LOANS, OR GIVES A
17 DANGEROUS WEAPON TO AN INDIVIDUAL WHO THE PERSON KNOWS IS LESS
18 THAN 18 YEARS OF AGE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
19 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
20 \$500.00, OR BOTH.

21 (2) A PERSON WHO VIOLATES SUBSECTION (1) FOR A SECOND OR
22 SUBSEQUENT TIME IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
23 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00,
24 OR BOTH.

25 (3) SUBSECTION (1) DOES NOT APPLY TO A PERSON WHO FURNISHES,
26 LOANS, OR GIVES A WEAPON TO AN INDIVIDUAL WHO IS LESS THAN 18
27 YEARS OF AGE IF POSSESSION OF THAT WEAPON BY THE INDIVIDUAL IS IN

1 ACCORDANCE WITH THE WILDLIFE CONSERVATION ACT, ACT NO. 256 OF THE
2 PUBLIC ACTS OF 1988, BEING SECTIONS 300.251 TO 300.270 OF THE
3 MICHIGAN COMPILED LAWS, OR THE HUNTING AND FISHING LICENSE ACT,
4 ACT NO. 86 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 316.101 TO
5 316.902 OF THE MICHIGAN COMPILED LAWS, IS FOR LAWFUL TARGET PRAC-
6 TICE, OR IS FOR LAWFUL DEFENSE OF PERSONS OR PROPERTY.

7 (4) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS
8 SECTION THAT THE PERSON WHO SOLD, FURNISHED, LOANED, OR GAVE THE
9 WEAPON WAS SHOWN A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED
10 BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY THAT IDENTIFIED
11 THE INDIVIDUAL AS BEING 18 YEARS OF AGE OR OLDER.