

Legislative Analysis



"PISTOL" DEFINITION; FIREARMS SOLD TO MINORS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4501

Sponsor: Rep. Douglas Geiss

House Bill 4502

Sponsor: Rep. Kate Ebli

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 3-16-09

A SUMMARY OF HOUSE BILLS 4501 & 4502 AS INTRODUCED 3-3-09

The bills would do the following things:

- Change the definition of "pistol" in the Penal Code from a firearm that is 30 or fewer inches long to one that is 26 or fewer inches long. (House Bill 4502)
- Make it misdemeanor to knowingly sell a firearm that is longer than 26 inches to a minor. (House Bill 4502)
- Change "BB's" to "BBs" (with no apostrophe) in the definition of "firearm." (House Bills 4501 and 4502)

The two bills are tie-barred, meaning both would have to be enacted for either to take effect.

Meaning of "pistol." Under Section 222(3) of the Penal Code (MCL 750.222(e)), the term *pistol* means "a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm." House Bill 4502 would change "30 inches or less" to "26 inches or less."

Length of firearms sold to minors. Under Section 223(2) of the Penal Code (MCL 750.223(2)), it is a misdemeanor for a person to knowingly sell a firearm that is more than 30 inches long to a person under 18 years of age. Under House Bill 4502, it would be a misdemeanor to sell a firearm that is more than 26 inches long to a minor.

Definition of "firearm." The term "firearm" is currently defined as follows in both the Penal Code and Public Act 372 of 1927, the pistol licensure law:

"Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, **BB's** not exceeding .177 caliber. [Emphasis added.]

In both bills, "**BB's**" would be changed to "**BBs**," with no apostrophe, which does not appear to be a substantive change.

FISCAL IMPACT:

The bill's fiscal impact is indeterminate, since it is not known how many people will be arrested and prosecuted for selling a weapon with a 26 inch or longer barrel to minors.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.