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BILL ANALYSIS



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Senate Bill 610 (as introduced 10-9-13)
Sponsor: Senator Mike Green
Committee: Judiciary

Date Completed: 10-15-13

CONTENT

The bill would amend the Michigan Penal Code to revise the prohibition against manufacturing, selling, or possessing a short-barreled shotgun or short-barreled rifle and expand an exception to that prohibition.

The Code prohibits a person from manufacturing, selling, offering for sale, or possessing a short-barreled shotgun or short-barreled rifle. A violation is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$2,500. Under the bill, the Code would prohibit a person from making, manufacturing, transferring, or possessing a short-barreled shotgun or short-barreled rifle.

Currently, the prohibition does 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 has 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 has fully complied with the handgun licensure law's requirement to obtain a pistol license before purchasing, carrying, possessing, or transporting a pistol. The bill would delete that exception to the prohibition.

Under the bill, instead, the prohibition would not apply to a firearm that was lawfully made, manufactured, transferred, or possessed under Federal law. A person, excluding a manufacturer, lawfully making, transferring, or possessing a firearm, would have to comply with the handgun licensure law's requirement to obtain a pistol license.

MCL 750.224b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would 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 could reduce the number of individuals charged with the offense. However, the prohibition would still apply to those individuals who were 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.

Fiscal Analyst: Dan O'Connor

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