

HOUSE BILL No. 4591

May 13, 2015, Introduced by Reps. Townsend, Sarah Roberts, Talabi, Wittenberg, Chang, Schor, Love, Moss, Hovey-Wright, Zemke, Geiss, Banks, Gay-Dagnogo, Irwin, Pagan, Byrd, Greig, Cochran, Darany, Plawecki, Hoadley, Durhal, Guerra, Dillon, Yanez, Rutledge, Garrett and Singh and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223 and 232a (MCL 750.223 and 750.232a), section 223 as amended by 2012 PA 242 and section 232a as amended by 1990 PA 321.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 223. (1) A person who knowingly sells a ~~pistol~~**FIREARM**
2 without complying with section 2 of 1927 PA 372, MCL 28.422, is
3 guilty of a misdemeanor, punishable by imprisonment for not more
4 than 90 days, or a fine of not more than \$100.00, or both.

5 (2) A person who knowingly sells a firearm more than 26 inches
6 in length to a person under 18 years of age is guilty of a
7 misdemeanor, punishable by imprisonment for not more than 90 days,
8 or a fine of not more than \$500.00, or both. A second or subsequent
9 violation of this subsection is a felony punishable by imprisonment

1 for not more than 4 years, or a fine of not more than \$2,000.00, or
2 both. It is an affirmative defense to a prosecution under this
3 subsection that the person who sold the firearm asked to see and
4 was shown a driver's license or identification card issued by a
5 state that identified the purchaser as being 18 years of age or
6 older.

7 (3) A seller shall not sell a firearm or ammunition to a
8 person if the seller knows that either of the following
9 circumstances exists:

10 (a) The person is under indictment for a felony. As used in
11 this subdivision, "felony" means a violation of a law of this
12 state, or of another state, or of the United States that is
13 punishable by imprisonment for 4 years or more.

14 (b) The person is prohibited under section 224f from
15 possessing, using, transporting, selling, purchasing, carrying,
16 shipping, receiving, or distributing a firearm.

17 (4) A person who violates subsection (3) is guilty of a
18 felony, punishable by imprisonment for not more than 10 years, or
19 by a fine of not more than \$5,000.00, or both.

20 ~~—— (5) As used in this section, "licensed dealer" means a person~~
21 ~~licensed under 18 USC 923 who regularly buys and sells firearms as~~
22 ~~a commercial activity with the principal objective of livelihood~~
23 ~~and profit.~~

24 Sec. 232a. (1) Except as provided in subsection (2), a person
25 who obtains a ~~pistol~~ **FIREARM** in violation of section 2 of Act No.
26 ~~372 of the Public Acts of 1927, as amended, being section 28.422 of~~
27 ~~the Michigan Compiled Laws, 1927 PA 372, MCL 28.422, is guilty of a~~

1 misdemeanor, punishable by imprisonment for not more than 90 days
2 or a fine of not more than \$100.00, or both.

3 (2) Subsection (1) does not apply to a person who obtained a
4 pistol in violation of section 2 of ~~Act No. 372 of the Public Acts~~
5 ~~of 1927-1927 PA 372, MCL 28.422~~, before the effective date of the
6 ~~1990 amendatory act that added this subsection~~, **MARCH 28, 1991**, who
7 has not been convicted of that violation, and who obtains a license
8 as required under section 2 of ~~Act No. 372 of the Public Acts of~~
9 ~~1927-1927 PA 372, MCL 28.422~~, within 90 days after the effective
10 date of the ~~1990 amendatory act that added this subsection~~. **MARCH**
11 **28, 1991**.

12 (3) A person who intentionally makes a material false
13 statement on an application for a license to purchase a ~~pistol~~
14 **FIREARM** under section 2 of ~~Act No. 372 of the Public Acts of 1927,~~
15 ~~as amended, 1927 PA 372, MCL 28.422~~, is guilty of a felony,
16 punishable by imprisonment for not more than 4 years, or a fine of
17 not more than \$2,000.00, or both.

18 (4) A person who uses or attempts to use false identification
19 or the identification of another person to purchase a firearm is
20 guilty of a misdemeanor, punishable by imprisonment for not more
21 than 90 days or a fine of not more than \$100.00, or both.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 4590 (request no.
24 02566'15) of the 98th Legislature is enacted into law.