

# HOUSE BILL No. 4804

May 20, 1997, Introduced by Reps. Wetters, Freeman, McNutt, Llewellyn, Goschka, DeHart, Schauer, Fitzgerald, McBryde, Walberg and Mans and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 222 and 224a (MCL 750.222 and 750.224a),  
section 222 as amended by 1992 PA 217.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 222. As used in this chapter:

2       (a) "Barrel length" means the internal length of a firearm  
3 as measured from the face of the closed breech of the firearm  
4 when it is unloaded, to the forward face of the end of the  
5 barrel.

6       (b) "Firearm" means a weapon from which a dangerous projec-  
7 tile may be propelled by an explosive, or by gas or air. Firearm  
8 does not include a smooth bore rifle or handgun designed and  
9 manufactured exclusively for propelling by a spring, or by gas or  
10 air, BB's not exceeding .177 caliber.

1 (c) "Pistol" means a loaded or unloaded firearm that is 30  
2 inches or less in length, or a loaded or unloaded firearm that by  
3 its construction and appearance conceals it as a firearm.

4 (d) "Purchaser" means a person who receives a pistol from  
5 another person by purchase, gift, or loan.

6 (e) "Seller" means a person who sells, furnishes, loans, or  
7 gives a pistol to another person.

8 (f) "Shotgun" means a firearm designed or redesigned, made  
9 or remade, and intended to be fired from the shoulder and  
10 designed or redesigned and made or remade to use the energy of  
11 the explosive in a fixed shotgun shell to fire through a smooth  
12 bore either a number of ball shot or a single projectile for each  
13 single function of the trigger.

14 (g) "Short-barreled shotgun" means a shotgun having 1 or  
15 more barrels less than 18 inches in length or a weapon made from  
16 a shotgun, whether by alteration, modification, or otherwise, if  
17 the weapon as modified has an overall length of less than 26  
18 inches.

19 (h) "Rifle" means a firearm designed or redesigned, made or  
20 remade, and intended to be fired from the shoulder and designed  
21 or redesigned and made or remade to use the energy of the explo-  
22 sive in a fixed metallic cartridge to fire only a single projec-  
23 tile through a rifled bore for each single pull of the trigger.

24 (i) "Short-barreled rifle" means a rifle having 1 or more  
25 barrels less than 16 inches in length or a weapon made from a  
26 rifle, whether by alteration, modification, or otherwise, if the  
27 weapon as modified has an overall length of less than 26 inches.

1 (J) "STUN-BELT" MEANS A BELT HAVING AN ELECTRICAL DEVICE  
2 CAPABLE OF DELIVERING AN ELECTRIC CURRENT DESIGNED TO TEMPORARILY  
3 INCAPACITATE THE WEARER.

4 Sec. 224a. (1) A person shall not sell, offer for sale, or  
5 possess in this state a portable device or weapon from which an  
6 electrical current, impulse, wave or beam may be directed, which  
7 current, impulse, wave or beam is designed to incapacitate tempo-  
8 rarily, injure, or kill.

9 (2) This section shall not prohibit delivery to or posses-  
10 sion by the department of state police or any agency or labora-  
11 tory with prior written approval of, and on conditions estab-  
12 lished by, the director of the department of state police for the  
13 purpose of testing such a device or weapon.

14 (3) THIS SECTION SHALL NOT PROHIBIT THE POSSESSION AND USE  
15 OF A STUN-BELT BY AN OFFICER OF THE DEPARTMENT OF STATE POLICE,  
16 AN AUTHORIZED EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS, AN  
17 EMPLOYEE OF A SHERIFF'S DEPARTMENT, OR AN OFFICER OF A TOWNSHIP,  
18 CITY, OR VILLAGE POLICE DEPARTMENT IN THE TRANSPORTATION OR CON-  
19 TROL OF AN ARRESTED INDIVIDUAL OR PRISONER.

20 (4) NOTWITHSTANDING SUBSECTION (3), A STUN-BELT SHALL NOT BE  
21 USED TO CONTROL AN ARRESTED INDIVIDUAL OR PRISONER IN A COURTROOM  
22 EXCEPT AS PROVIDED IN SECTION 1482 OF THE REVISED JUDICATURE ACT  
23 OF 1961, 1961 PA 236, MCL 600.1482.

24 (5) ~~-(3)-~~ A person who violates this section is guilty of a  
25 felony.