

SUBSTITUTE FOR
SENATE BILL NO. 779

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 225. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON
2 SHALL NOT POSSESS EITHER OF THE FOLLOWING:

3 (A) AN IMITATION FIREARM FROM WHICH THE COLORED MARKINGS
4 REQUIRED UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES ON A
5 TOY, LOOK-ALIKE, OR IMITATION FIREARM HAVE BEEN REMOVED, DISGUISED,
6 CLOAKED, COVERED, CONCEALED, OR MASKED.

7 (B) A FIREARM TO WHICH ANY COLOR OR MARKINGS THAT ARE REQUIRED
8 ON AN IMITATION FIREARM UNDER THE LAWS OF THIS STATE OR OF THE
9 UNITED STATES HAVE BEEN ADDED OR INSTALLED IN A WAY THAT MAKES THE

1 FIREARM LOOK MORE LIKE AN IMITATION FIREARM.

2 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A CRIME
3 AS FOLLOWS:

4 (A) A PERSON WHO VIOLATES SUBSECTION (1) (A) AND WHO USES THE
5 ALTERED TOY, LOOK-ALIKE, OR IMITATION FIREARM TO COMMIT A
6 MISDEMEANOR IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
7 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
8 BOTH.

9 (B) A PERSON WHO VIOLATES SUBSECTION (1) (A) AND WHO USES THE
10 ALTERED TOY, LOOK-ALIKE, OR IMITATION FIREARM TO COMMIT A FELONY IS
11 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 18
12 MONTHS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

13 (C) A PERSON WHO VIOLATES SUBSECTION (1) (B) IS GUILTY OF A
14 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
15 A FINE OF NOT MORE THAN \$100.00, OR BOTH.

16 (D) A PERSON WHO VIOLATES SUBSECTION (1) (B) WHILE THE PERSON
17 COMMITS A FELONY IS GUILTY OF A VIOLATION OF SECTION 227B.

18 (3) THIS SECTION DOES NOT APPLY TO A MANUFACTURER, IMPORTER,
19 OR DISTRIBUTOR OF IMITATION FIREARMS OR TO THE LAWFUL USE OF AN
20 IMITATION FIREARM IN A MOTION PICTURE, TELEVISION, STAGE, OR OTHER
21 THEATRICAL PRODUCTION.

22 (4) A CONVICTION OR SENTENCE IMPOSED FOR A VIOLATION OF THIS
23 SECTION DOES NOT PRECLUDE A CONVICTION OR SENTENCE FOR A VIOLATION
24 OF ANY OTHER APPLICABLE LAW.

25 (5) AS USED IN THIS SECTION:

26 (A) "BB GUN" MEANS A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND
27 MANUFACTURED EXCLUSIVELY TO PROPEL BBS THAT DO NOT EXCEED .177

1 CALIBER BY A SPRING OR BY GAS OR AIR.

2 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 222.

3 (C) "IMITATION FIREARM" MEANS A BB GUN, TOY GUN, REPLICA OF A
4 FIREARM, OR OTHER DEVICE THAT IS SO SUBSTANTIALLY SIMILAR IN
5 COLORATION AND OVERALL APPEARANCE TO AN EXISTING FIREARM AS TO LEAD
6 A REASONABLE PERSON TO PERCEIVE THAT THE DEVICE IS A FIREARM.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.