

# HOUSE BILL No. 5325

February 13, 2014, Introduced by Reps. Crawford, Nesbitt, McBroom, Rendon, Jenkins, Pettalia, Cotter, LaVoy, MacGregor, Lauwers, Heise, Schmidt, Dianda and Kivela and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 1 (MCL 28.421), as amended by 2012 PA 243.

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

1           Sec. 1. (1) As used in this act:

2           (a) "Felony" means that term as defined in section 1 of  
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL  
4 761.1, or a violation of a law of the United States or another

1 state that is designated as a felony or that is punishable by death  
2 or by imprisonment for more than 1 year.

3 (b) "Firearm" means a weapon from which a dangerous projectile  
4 may be propelled by an explosive, or by gas or air. Firearm does  
5 not include a smooth bore rifle or handgun designed and  
6 manufactured exclusively for propelling by a spring, or by gas or  
7 air, BBs not exceeding .177 caliber.

8 (C) "FIREARMS RECORDS" MEANS ANY FORM, INFORMATION, OR RECORD  
9 REQUIRED FOR SUBMISSION TO A GOVERNMENT AGENCY UNDER SECTIONS 2A,  
10 2B, AND 5B, OR ANY FORM, PERMIT, OR LICENSE ISSUED BY A GOVERNMENT  
11 AGENCY UNDER THIS ACT.

12 (D) ~~(e)~~—"Misdemeanor" means a violation of a penal law of this  
13 state or violation of a local ordinance substantially corresponding  
14 to a violation of a penal law of this state that is not a felony or  
15 a violation of an order, rule, or regulation of a state agency that  
16 is punishable by imprisonment or a fine that is not a civil fine,  
17 or both.

18 (E) ~~(d)~~—"Peace officer" means, except as otherwise provided in  
19 this act, an individual who is employed as a law enforcement  
20 officer, as that term is defined under section 2 of the commission  
21 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this  
22 state or another state, a political subdivision of this state or  
23 another state, or the United States, and who is required to carry a  
24 firearm in the course of his or her duties as a law enforcement  
25 officer.

26 (F) ~~(e)~~—"Pistol" means a loaded or unloaded firearm that is 26  
27 inches or less in length, or a loaded or unloaded firearm that by

1 its construction and appearance conceals it as a firearm.

2 (G) ~~(f)~~—"Purchaser" means a person who receives a pistol from  
3 another person by purchase or gift.

4 (H) ~~(g)~~—"Reserve peace officer", "auxiliary officer", or  
5 "reserve officer" means, except as otherwise provided in this act,  
6 an individual authorized on a voluntary or irregular basis by a  
7 duly authorized police agency of this state or a political  
8 subdivision of this state to act as a law enforcement officer, who  
9 is responsible for the preservation of the peace, the prevention  
10 and detection of crime, and the enforcement of the general criminal  
11 laws of this state, and who is otherwise eligible to possess a  
12 firearm under this act.

13 (I) ~~(h)~~—"Retired police officer" or "retired law enforcement  
14 officer" means an individual who was a police officer or law  
15 enforcement officer who was certified as described under section 9a  
16 of the commission on the law enforcement standards act, 1965 PA  
17 203, MCL 28.609a, and retired in good standing from his or her  
18 employment as a police officer or law enforcement officer.

19 (J) ~~(i)~~—"Seller" means a person who sells or gives a pistol to  
20 another person.

21 (K) ~~(j)~~—"State court judge" means a judge of the district  
22 court, circuit court, probate court, or court of appeals or justice  
23 of the supreme court of this state who is serving either by  
24 election or appointment.

25 (L) ~~(k)~~—"State court retired judge" means a judge or justice  
26 described in subdivision ~~(j)~~ (K) who is retired, or a retired judge  
27 of the recorders court.

1 (2) A person may lawfully own, possess, carry, or transport as  
2 a pistol a firearm greater than 26 inches in length if all of the  
3 following conditions apply:

4 (a) The person registered the firearm as a pistol under  
5 section 2 or 2a before January 1, 2013.

6 (b) The person who registered the firearm as described in  
7 subdivision (a) has maintained registration of the firearm since  
8 January 1, 2013 without lapse.

9 (c) The person possesses a copy of the license or record  
10 issued to him or her under section 2 or 2a.

11 (3) A person who satisfies all of the conditions listed under  
12 subsection (2) nevertheless may elect to have the firearm not be  
13 considered to be a pistol. A person who makes the election under  
14 this subsection shall notify the department of state police of the  
15 election in a manner prescribed by that department.

16 Enacting section 1. This amendatory act does not take effect  
17 unless all of the following bills of the 97th Legislature are  
18 enacted into law:

19 (a) House Bill No. 4155.

20 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5327 (request no.  
21 04851'14).

22 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5324 (request no.  
23 04852'14).

24 (d) Senate Bill No. \_\_\_\_ or House Bill No. 5328 (request no.  
25 04853'14).

26 (e) Senate Bill No. \_\_\_\_ or House Bill No. 5326 (request no.  
27 04854'14).

1 (f) Senate Bill No. 49.

2 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 5329 (request no.

3 00974'13 a).