

HOUSE BILL No. 5996

October 19, 2016, Introduced by Rep. Wittenberg and referred to the Committee on Criminal Justice.

A bill to regulate the manufacture, possession, purchase, sale, and transfer of assault weapons; to provide certain powers and duties for certain state and local officials and agencies; to provide for the promulgation of rules; and to provide penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "assault weapon regulation act".

3 Sec. 2. As used in this act:

4 (a) "Assault weapon" means any of the following:

5 (i) A semiautomatic pistol or semiautomatic or pump-action
6 rifle that is capable of accepting a detachable magazine and that
7 has any of the following features:

8 (A) If the firearm is a rifle, a pistol grip located rear of
9 the trigger.

10 (B) If the firearm is a pistol, a shoulder stock of any type

1 or configuration including, but not limited to, a folding stock or
2 a telescoping stock.

3 (C) A barrel shroud.

4 (D) A muzzle brake or muzzle compensator.

5 (E) A feature capable of functioning as a protruding grip that
6 can be held by the hand that is not the trigger hand.

7 (ii) A pistol that is capable of accepting a detachable
8 magazine at any location outside of the pistol grip.

9 (iii) A semiautomatic pistol or a semiautomatic, center-fire
10 rifle with a fixed magazine capable of containing more than 10
11 rounds of ammunition.

12 (iv) A shotgun that is capable of accepting a detachable
13 magazine.

14 (v) A shotgun with a revolving cylinder.

15 (b) "Barrel shroud" means a covering, other than a slide, that
16 is attached to, or that substantially or completely encircles the
17 barrel of, a firearm and that allows the bearer of the firearm to
18 hold the barrel with the nonshooting hand while firing the firearm
19 without burning that hand. Barrel shroud does not include an
20 extension of the stock along the bottom of the barrel if the
21 extension of the stock does not substantially or completely
22 encircle the barrel.

23 (c) "Conversion kit" means a part or combination of parts
24 designed and intended for use in converting a firearm into an
25 assault weapon.

26 (d) "Detachable magazine" means a magazine that delivers 1 or
27 more ammunition cartridges into the firing chamber and that can be

1 removed from the firearm without the use of any tool, including a
2 bullet or ammunition cartridge.

3 (e) "Muzzle brake" means a device attached to the muzzle of a
4 firearm that utilizes escaping gas to reduce recoil.

5 (f) "Muzzle compensator" means a device attached to the muzzle
6 of a firearm that utilizes escaping gas to control muzzle movement.

7 Sec. 3. (1) Except as otherwise provided in subsection (3) and
8 section 4, a person shall not manufacture, possess, purchase, sell,
9 or otherwise transfer to another person an assault weapon or an
10 assault weapon conversion kit.

11 (2) Except as otherwise provided in subsection (4) and section
12 4, a person shall not possess at the same time, or have under his
13 or her control at the same time, both of the following:

14 (a) A semiautomatic or pump-action rifle or semiautomatic
15 pistol capable of accepting a detachable magazine.

16 (b) A magazine capable of use with that firearm that contains
17 more than 10 rounds of ammunition.

18 (3) Subsection (1) does not apply to any of the following:

19 (a) A person who possesses an unloaded assault weapon for the
20 purpose of permanently relinquishing it to a law enforcement agency
21 in this state pursuant to rules adopted for that purpose by the
22 department of state police. An assault weapon relinquished under
23 this subsection shall be turned over to the department of state
24 police under section 239 of the Michigan penal code, 1931 PA 328,
25 MCL 750.239, and destroyed.

26 (b) A licensed manufacturer or licensed dealer who transfers
27 an assault weapon to a law enforcement agency in this state for use

1 by that agency or its employees for law enforcement purposes.

2 (c) A person who possesses an assault weapon that has been
3 permanently disabled so that it is incapable of discharging a
4 projectile.

5 (4) Subsection (2) does not apply to any of the following:

6 (a) A person lawfully engaged in shooting at a licensed and
7 lawfully operated shooting range.

8 (b) A person lawfully participating in a sporting event
9 officially sanctioned by a club or organization established in
10 whole or in part for the purpose of sponsoring sport shooting
11 events.

12 Sec. 4. (1) A person may continue to possess an assault weapon
13 that he or she legally possessed on the effective date of this act
14 if all of the following apply:

15 (a) The person immediately registers the assault weapon with
16 the department of state police in compliance with rules adopted for
17 that purpose by the department of state police.

18 (b) The person safely and securely stores the assault weapon
19 in compliance with rules adopted for that purpose by the department
20 of state police. The department of state police may, not more than
21 once per year, conduct an administrative inspection of the storage
22 premises to ensure compliance with this subsection.

23 (c) The person annually renews the registration of the assault
24 weapon.

25 (d) The person possesses the assault weapon only on property
26 owned or immediately controlled by the person or while engaged in
27 the legal use of the assault weapon at a licensed shooting range or

1 while traveling to or from that property or shooting range to
2 engage in the legal use of the assault weapon if the assault weapon
3 is stored unloaded and in a separate locked container during
4 transport.

5 (2) Notwithstanding any other provision of this act, a person
6 who, after the effective date of this act, acquires ownership of an
7 assault weapon by inheritance, bequest, or succession shall, within
8 30 days after acquiring ownership of the assault weapon, do 1 of
9 the following:

10 (a) Comply with all of the requirements of subsection (1).

11 (b) Relinquish the assault weapon to a law enforcement agency.

12 (c) Permanently disable the assault weapon so that it is
13 incapable of discharging a projectile.

14 (3) The department of state police may charge a fee for each
15 registration and for each renewal registration under this section.
16 The fee shall not exceed the actual and reasonable costs incurred
17 by the department of state police in registering or renewing the
18 registration of the assault weapon.

19 Sec. 5. The department of state police shall promulgate rules
20 pursuant to the administrative procedures act of 1969, 1969 PA 306,
21 MCL 24.201 to 24.328, to implement this act.

22 Sec. 6. (1) A person who violates this act is guilty of a
23 felony punishable by imprisonment for not more than 4 years or a
24 fine of not more than \$2,100.00, or both.

25 (2) The department of state police shall immediately revoke
26 the registration of each assault weapon owned by a person convicted
27 of violating this act.