

**SUBSTITUTE FOR
SENATE BILL NO. 1149**

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,"

(MCL 28.421 to 28.435) by adding section 14c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 14c. (1) A person shall not do any of the following:

2 (a) Knowingly manufacture or assemble, cause to be
3 manufactured or assembled, import, purchase, sell, offer to sell,
4 or transfer ownership of any firearm that is not imprinted with a
5 valid serial number.

6 (b) Knowingly import, purchase, sell, offer to sell, or
7 transfer ownership of any ghost gun precursor.

8 (c) Beginning 3 years after the effective date of the
9 amendatory act that added this section, knowingly possess either of
10 the following:

11 (i) A firearm that is not imprinted with a valid serial number.

12 (ii) A ghost gun precursor.

13 (d) Knowingly manufacture or assemble or cause to be
14 manufactured or assembled, import, sell, offer to sell, transfer,
15 or possess any undetectable firearm.

16 (e) Sell or transfer ownership of a firearm if any of the
17 following:

18 (i) The person manufactured or assembled the firearm without a
19 license to manufacture firearms.

20 (ii) The person knowingly caused the firearm to be manufactured
21 or assembled by another person that does not have a license to
22 manufacture firearms.

23 (iii) The person is aware that the firearm was manufactured or
24 assembled by another person that does not have a license to
25 manufacture firearms.

26 (f) Knowingly allow, facilitate, aid, abet, or cause the
27 manufacture or assembling of a firearm or completed or unfinished
28 frame or receiver, by a person who is legally prohibited from
29 possessing a firearm or completed or unfinished frame or receiver



1 under state or federal law.

2 (g) Knowingly allow, facilitate, aid, abet, or cause the
3 manufacture or assembly of any firearm or completed or unfinished
4 frame or receiver that is not imprinted with a valid serial number.

5 (2) A person that does any of the following must have a
6 license to manufacture firearms:

7 (a) Manufactures or assembles a firearm or completed or
8 unfinished frame or receiver with the intent to sell that firearm
9 or completed or unfinished frame or receiver predominantly to earn
10 a profit.

11 (b) Manufactures or assembles more than 5 firearms or
12 completed or unfinished frames or receivers in this state in a
13 calendar year for personal use.

14 (c) Uses a 3-dimensional printer or computer numerical control
15 milling machine to manufacture or assemble any firearm or completed
16 or unfinished frame or receiver in this state.

17 (3) A person that manufactures or assembles a firearm or
18 completed or unfinished frame or receiver in this state and who
19 does not have a license to manufacture firearms shall, not later
20 than 10 days after manufacturing or assembling the firearm or frame
21 or receiver, have the firearm or completed or unfinished frame or
22 receiver imprinted with a valid serial number in accordance with
23 subsection (5), notify the director in a form and manner to be
24 prescribed, and provide any identifying information concerning the
25 firearm or frame or receiver and the owner of the firearm or frame
26 or receiver requested by the director, including, but not limited
27 to, the serial number of the firearm or frame or receiver.

28 (4) This section does not apply to any of the following:

29 (a) An antique firearm, any completed or unfinished frame or



1 receiver of an antique firearm, or any firearm or completed or
2 unfinished frame or receiver that has been rendered permanently
3 inoperable.

4 (b) The sale, offer for sale, or transfer of ownership of a
5 firearm, or any completed or unfinished frame or receiver, to a law
6 enforcement agency.

7 (c) The manufacture or assembly, importation, purchase,
8 transfer, or possession of a firearm, or any completed or
9 unfinished frame or receiver, by a law enforcement agency for law
10 enforcement purposes.

11 (d) The sale or transfer of ownership of a firearm, or any
12 completed or unfinished frame or receiver, to a federally licensed
13 gunsmith, manufacturer, or importer, or to any other entity
14 authorized to serialize firearms.

15 (e) The manufacture or assembly, importation, purchase, or
16 possession of a firearm, or any completed or unfinished frame or
17 receiver, by a federally licensed gunsmith, manufacturer, or
18 importer, or by any other entity authorized to serialize firearms.

19 (f) A member of any of the following, while on duty and acting
20 in the scope and course of employment:

21 (i) The United States Armed Forces or the National Guard.

22 (ii) A law enforcement agency.

23 (iii) A forensic laboratory.

24 (g) A common carrier, motor carrier, air carrier, or carrier
25 affiliated with an air carrier through common controlling interest,
26 or an authorized agent of that carrier, when acting in the scope
27 and course of duties incident to the receipt, processing,
28 transportation, or delivery of property.

29 (h) An authorized representative of a local, state, or federal



1 government that receives a firearm or any completed or unfinished
2 frame or receiver as part of an authorized, voluntary buyback
3 program in which the governmental entity is buying or receiving
4 firearms or any completed or unfinished frames or receivers from
5 private individuals.

6 (i) The possession and disposition of a firearm or any
7 completed or unfinished frame or receiver by a person that meets
8 all of the following:

9 (i) The person is not prohibited by state or federal law from
10 possessing the firearm or completed or unfinished frame or
11 receiver.

12 (ii) The person possessed the firearm or any completed or
13 unfinished frame or receiver no longer than was necessary to
14 deliver it to a law enforcement agency for that agency's
15 disposition according to law.

16 (iii) If the person is transporting the firearm or any completed
17 or unfinished frame or receiver, the person is transporting it to a
18 law enforcement agency in order to deliver it to the agency for the
19 agency's disposition according to law.

20 (j) The possession or importation of a firearm or any
21 completed or unfinished frame or receiver by an individual moving
22 into this state who, not later than 90 days after moving into this
23 state, causes the firearm or completed or unfinished frame or
24 receiver to be imprinted with a valid serial number in accordance
25 with subsection (5), removes the weapon from this state, or
26 otherwise comes into compliance with this section.

27 (k) The transportation of or temporary transfer of a firearm,
28 or any completed or unfinished frame or receiver, to a federally
29 licensed gunsmith, manufacturer, or importer, or to any other



1 entity authorized to serialize firearms by an individual who
2 lawfully possesses such firearm or completed or unfinished frame or
3 receiver before 3 years after effective date of the amendatory act
4 that added this section, or before moving into this state, for the
5 purpose of having the firearm or completed or unfinished frame or
6 receiver imprinted with a valid serial number as provided in
7 subsection (5).

8 (5) A firearm or completed or unfinished frame or receiver
9 must be imprinted with a valid serial number in the following
10 manner:

11 (a) The serial number must be imprinted by a federally
12 licensed gunsmith, manufacturer, or importer, or other entity
13 authorized to serialize firearms.

14 (b) The serial number must comply with federal requirements
15 for the identification of firearms, including, but not limited to,
16 27 CFR 479.102.

17 (6) A person who violates this section is guilty of the
18 following:

19 (a) For a first offense, a misdemeanor punishable by
20 imprisonment for not more than 1 year, a fine of not more than
21 \$5,000.00, or both.

22 (b) For a second or subsequent offense, a felony punishable by
23 imprisonment for not more than 5 years, a fine of not more than
24 \$10,000.00, or both.

25 (7) As used in this section:

26 (a) "Antique firearm" means that term as defined in 27 CFR
27 479.11.

28 (b) "Director" means the director of the department of state
29 police or the director's designee.



1 (c) "Entity authorized to serialize firearms" means a person,
2 firm, corporation, or other entity that is authorized under federal
3 law to imprint serial numbers on firearms and completed or
4 unfinished frames or receivers under 18 USC 923.

5 (d) "Federally licensed gunsmith, manufacturer, or importer"
6 means a person, firm, corporation, or other entity that holds a
7 valid gunsmith license, or license to manufacture or import
8 firearms issued under 18 USC 923.

9 (e) "Frame" means the part of a handgun, or variants thereof,
10 that provides housing or a structure for the component designed to
11 hold back the hammer, striker, bolt, or similar primary energized
12 component before initiation of the firing sequence, even if pins or
13 other attachments are required to connect that component to the
14 housing or structure. Any part of a handgun that is identified with
15 an importer's or manufacturer's serial number is presumed, absent
16 an official determination by the director of the Bureau of Alcohol,
17 Tobacco, Firearms, and Explosives or other reliable evidence to the
18 contrary, to be the frame of the handgun.

19 (f) "Ghost gun precursor" means a frame, receiver, or
20 unfinished frame or receiver, that does not have a valid serial
21 number.

22 (g) "License to manufacture firearms" means a valid license to
23 manufacture firearms issued under 18 USC 923.

24 (h) "Major component" means that term as defined in 18 USC
25 922.

26 (i) "Manufacture or assemble" means to fabricate, construct,
27 fit together component parts of, or otherwise produce a firearm or
28 completed or unfinished frame or receiver, including through
29 additive, subtractive, or other processes.



1 (j) "Receiver" means the part of a rifle, shotgun, or
2 projectile weapon other than a handgun, or variants thereof, that
3 provides housing or a structure for the primary component designed
4 to block or seal the breech before initiation of the firing
5 sequence, even if pins or other attachments are required to connect
6 that component to the housing or structure. Any part of a rifle,
7 shotgun, or projectile weapon other than a handgun that is
8 identified with an importer's or manufacturer's serial number is
9 presumed, absent an official determination by the director of the
10 Bureau of Alcohol, Tobacco, Firearms, and Explosives or other
11 reliable evidence to the contrary, to be the receiver of the rifle,
12 shotgun, or projectile weapon other than a handgun.

13 (k) "Security exemplar" means that term as defined in 18 USC
14 922.

15 (l) "3-dimensional printer" means a computer-aided
16 manufacturing device capable of producing a 3-dimensional object
17 from a 3-dimensional digital model through an additive
18 manufacturing process that involves the layering of 2-dimensional
19 cross sections formed of a resin or similar material that are fused
20 together to form a 3-dimensional object.

21 (m) "Undetectable firearm" means a firearm manufactured,
22 assembled, or otherwise comprised entirely of nonmetal substances,
23 if 1 of the following is true:

24 (i) After removal of all parts except major components, the
25 firearm is not detectable as a security exemplar by a walk-through
26 metal detector calibrated to detect the security exemplar.

27 (ii) The firearm includes a major component that, if subjected
28 to inspection by the types of X-ray machines commonly used at
29 airports, would not generate an image that accurately depicts the



1 shape of the component.

2 (n) "Unfinished frame or receiver" means a forging, casting,
3 printing, extrusion, machined body, or similar item that does
4 either of the following:

5 (i) Is designed to or may readily be completed, assembled, or
6 otherwise converted to function as a frame or receiver.

7 (ii) Is marketed or sold to the public to become or be used as
8 the frame or receiver of a functional firearm once completed,
9 assembled, or otherwise converted.

10 (o) Unfinished frame or receiver does not include a component
11 designed and intended for use in an antique firearm.

12 (p) "Valid serial number" means a serial number that has been
13 imprinted by a person authorized to serialize firearms in
14 accordance with federal law, or that has otherwise been assigned to
15 a firearm or completed or unfinished frame or receiver in
16 accordance with 26 USC 5842.

17 (q) "Variants thereof" means a weapon utilizing a similar
18 frame or receiver design irrespective of new or different model
19 designations or configurations, characteristics, features,
20 components, accessories, or attachments.

