

HOUSE BILL NO. 4455

April 25, 2023, Introduced by Reps. Stone, Byrnes, Brabec, Brenda Carter, Rheingans, Tsernoglou, Price, Wilson, Arbit, MacDonell, Hoskins, Brixie, Edwards, McKinney, Morse and Morgan and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 230 (MCL 750.230).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 230. (1) A person ~~who shall wilfully not do any of the~~
2 **following:**

3 (a) **Knowingly** alter, remove, or obliterate the name of the
4 maker, model, manufacturer's number, or other mark of identity of a
5 ~~pistol or other firearm. , shall be~~

6 (b) **Manufacture, assemble, sell, offer to sell, or transfer a**

1 firearm in this state if that firearm does not contain a firearm
2 serial number on the firearm frame or receiver.

3 (c) Manufacture, sell, offer to sell, or transfer a firearm
4 frame or receiver in this state if that frame or receiver does not
5 contain a firearm serial number.

6 (d) Knowingly import, purchase, sell, offer to sell, or
7 transfer a firearm precursor, unless the firearm precursor meets
8 all of the following:

9 (i) Is considered a firearm under 18 USC 921 to 934 and
10 regulations issued in accordance with 18 USC 921 to 934.

11 (ii) Contains a valid firearm serial number.

12 (e) Beginning 1 year after the effective date of the
13 amendatory act that added this subdivision, possess or own a
14 firearm or firearm precursor in this state if that firearm or
15 firearm precursor does not contain a firearm serial number on the
16 firearm frame or receiver or firearm precursor.

17 (2) A person that violates this section is guilty of the
18 following:

19 (a) A person that violates subsection (1) (a), (b), (c), or (d)
20 is guilty of a felony ~~punishable by imprisonment for not more~~
21 ~~than 2 years or fine of not more than \$1,000.00. Possession of a~~
22 ~~firearm upon which the number shall have been altered, removed, or~~
23 ~~obliterated, other than an antique firearm as defined by section~~
24 ~~231a(2) (a) or (b), shall be presumptive evidence that the possessor~~
25 ~~has altered, removed, or obliterated the same.~~

26 (b) A person that violates subsection (1) (e) for a first time
27 is guilty of a misdemeanor punishable by imprisonment for not more
28 than 90 days or a fine of not more than \$100.00, or both.

29 (c) A person that violates subsection (1) (e) for a second or

1 subsequent time is guilty of a felony punishable by imprisonment
2 for not more than 2 years or a fine of not more than \$1,000.00.

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

4 (a) A firearm or firearm precursor that is either of the
5 following:

6 (i) An antique firearm.

7 (ii) Rendered permanently inoperable.

8 (b) A sale, offer to sell, transfer, or delivery of a firearm
9 or firearm precursor to, or possession by, a federally licensed
10 firearms manufacturer, importer, or dealer, or other federal
11 licensee authorized to serialize firearms.

12 (c) A firearm or firearm precursor that has been identified by
13 a federally licensed firearms dealer or other federal licensee
14 authorized to serialize firearms with the licensee's abbreviated
15 federal firearms license number as a prefix followed by a hyphen
16 and then followed by a number as a suffix, and placed in a manner
17 as required under federal law for affixing serial numbers to
18 firearms.

19 (d) A sale, offer to sell, or transfer of a firearm or firearm
20 precursor to a law enforcement agency.

21 (e) The manufacture, assembly, importation, purchase,
22 transfer, or possession of a firearm or firearm precursor by a law
23 enforcement agency for law enforcement purposes.

24 (f) The sale or transfer of ownership of a firearm or a
25 firearm precursor to a federally licensed gunsmith, manufacturer,
26 or importer, or to any other federal licensee authorized to
27 serialize firearms.

28 (g) The manufacture, assembly, importation, purchase, or
29 possession of a firearm or firearm precursor by a federally

1 licensed gunsmith, manufacturer, or importer, or by any other
2 federal licensee authorized to serialize firearms.

3 (h) A member or employee of any of the following while on duty
4 and acting within the scope and course of employment:

5 (i) The Armed Forces of the United States.

6 (ii) The Michigan National Guard.

7 (iii) A law enforcement agency.

8 (iv) A forensic laboratory.

9 (i) A common carrier, motor carrier, air carrier, or carrier
10 affiliated with an air carrier through common controlling interest
11 that is subject to Title 49 of the United States Code, or an
12 authorized agent of that carrier, when acting in the course and
13 scope of duties incident to the receipt, processing,
14 transportation, or delivery of property.

15 (j) An authorized representative of a local, state, or federal
16 government that receives a firearm or firearm precursor as part of
17 an authorized, voluntary buyback program in which the governmental
18 entity is buying or receiving firearms from private individuals.

19 (k) The possession and disposition of a firearm or any firearm
20 precursor by an individual who meets all of the following:

21 (i) The individual is not prohibited by state or federal law
22 from possessing the firearm.

23 (ii) The individual possessed the firearm or firearm precursor
24 no longer than was necessary to deliver it to a law enforcement
25 agency for that agency's disposition according to law.

26 (iii) If the individual is transporting the firearm or firearm
27 precursor, the individual is transporting it to a law enforcement
28 agency for the agency's disposition according to law.

29 (l) The possession or importation of a firearm or firearm

1 precursor by a nonresident of this state who meets either of the
2 following:

3 (i) Is traveling with the firearm or firearm precursor in this
4 state in accordance with 18 USC 926A.

5 (ii) Possesses or imports the firearm or firearm precursor in
6 this state exclusively for use in an organized sport shooting event
7 or competition, and no longer than reasonably necessary to
8 participate in that event or competition.

9 (m) The possession or importation of a firearm or any
10 completed or unfinished frame or receiver by an individual who, not
11 later than 90 days after moving into this state, does 1 of the
12 following:

13 (i) Causes the firearm or firearm precursor to be affixed with
14 a valid firearm serial number.

15 (ii) Removes the weapon from this state.

16 (iii) Otherwise comes into compliance with this section.

17 (4) As used in this section:

18 (a) "Antique firearm" means that term as defined in section
19 231a.

20 (b) "Firearm precursor" means any forging, casting, printing,
21 extrusion, machined body, or similar article that meets either of
22 the following:

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

25 (ii) Is marketed or sold to the public to become or be used as
26 the frame or receiver of a functional firearm once completed,
27 assembled, or converted.

28 (c) "Firearm serial number" means a serial number that a
29 federally licensed firearms manufacturer, importer, or dealer, or

1 other federal licensee authorized to serialize firearms, has used
2 to identify a firearm in accordance with all federal laws and
3 regulations.

4 (d) "Frame" means the part of a pistol that provides housing
5 or a structure for the primary energized component designed to hold
6 back the hammer, striker, bolt, or similar element, before
7 initiation of the firing sequence, even if pins or other
8 attachments are required to attach the component to the housing or
9 structure. Any part that is identified with an importer's or
10 manufacturer's serial number is presumed, absent an official
11 determination by the Bureau of Alcohol, Tobacco, Firearms, and
12 Explosives or other reliable evidence to the contrary, to be the
13 frame of a pistol.

14 (e) "Receiver" means the part of a firearm other than a pistol
15 that provides housing or a structure for the primary component
16 designed to block or seal the breech before initiation of the
17 firing sequence, even if pins or other attachments are required to
18 connect the component to the housing or structure. Any part that is
19 identified with an importer's or manufacturer's serial number is
20 presumed, absent an official determination by the Bureau of
21 Alcohol, Tobacco, Firearms, and Explosives or other reliable
22 evidence to the contrary, to be the receiver of a firearm.