

HOUSE BILL NO. 6184

November 26, 2024, Introduced by Reps. Puri, Young, Brenda Carter, Churches, Dievendorf, Brabec, Brixie, Hoskins, Rheingans, Byrnes, Hood, Steckloff, Hope, Breen, Morgan, McFall, Pohutsky, Weiss and Aiyash and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 3845.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 3845. (1) A firearm industry member, by conduct unlawful**
2 **in itself or unreasonable under all the circumstances, shall not**
3 **knowingly or recklessly create, maintain, or contribute to a public**
4 **nuisance through the sale, manufacture, importing, or marketing of**
5 **a firearm-related product.**

1 (2) A firearm industry member shall establish and implement
2 reasonable controls regarding the manufacture, sale, distribution,
3 use, and marketing of the firearm industry member's firearm-related
4 products.

5 (3) A violation of subsection (1) or (2) is a public nuisance.

6 (4) A firearm industry member's conduct constitutes a
7 proximate cause of the public nuisance if the harm to the public is
8 a reasonably foreseeable effect of the conduct, notwithstanding any
9 intervening actions, including unlawful actions by third parties.

10 (5) If it appears to the attorney general that a firearm
11 industry member has engaged in or is engaging in conduct in
12 violation of this section, the attorney general may commence an
13 action to seek and obtain any of the following:

14 (a) An injunction prohibiting the firearm industry member from
15 continuing the conduct or engaging in the conduct or doing any acts
16 in furtherance of the conduct.

17 (b) An order providing for abatement of the nuisance at the
18 expense of the firearm industry member.

19 (c) Restitution.

20 (d) Compensatory and punitive damages.

21 (e) Reasonable attorney fees, filing fees, and reasonable
22 costs of the action.

23 (f) Any other appropriate relief.

24 (6) A person identified in section 3805 that has been damaged
25 as a result of a firearm industry member's acts or omissions in
26 violation of this section may commence an action to seek and obtain
27 any of the following:

28 (a) Injunctive relief.

29 (b) Compensatory and punitive damages.

1 (c) Reasonable attorney fees, filing fees, and reasonable
2 costs of the action.

3 (7) If a person commences an action requesting relief under
4 subsection (6) (a), the person shall, within 5 days after filing the
5 complaint, notify the attorney general of the filing of the
6 complaint and provide the attorney general with a copy of the
7 complaint and any other documents or pleadings filed with the
8 complaint.

9 (8) To prevail in an action under this section, the party
10 seeking relief is not required to demonstrate that the firearm
11 industry member acted with the intent to engage in a public
12 nuisance or otherwise cause harm to the public.

13 (9) This section may not be construed or implied to limit or
14 impair in any way any of the following:

15 (a) The right of a person to pursue a legal action under any
16 other law, including the Michigan consumer protection act, 1976 PA
17 331, MCL 445.901 to 445.922.

18 (b) An obligation or requirement placed on a firearm industry
19 member by any other law.

20 (10) This section must be construed and applied in a manner
21 that is consistent with the requirements of the constitution of
22 this state and the United States Constitution.

23 (11) This section is not intended to restrict or alter the
24 availability of an action for relief from or to remedy a public
25 nuisance at common law.

26 (12) As used in this section:

27 (a) "Firearm accessory" means an attachment or device designed
28 or adapted to be inserted into, affixed onto, or used in
29 conjunction with a firearm that is designed, intended, or functions

1 to alter or enhance the firing capabilities of a firearm, the
2 lethality of the firearm, or a shooter's ability to hold and use a
3 firearm.

4 (b) "Firearm industry member" means a person engaged in the
5 sale, manufacture, distribution, importing, or marketing of a
6 firearm-related product.

7 (c) "Firearm-related product" means a firearm, ammunition, a
8 firearm precursor part, a firearm component, a 3-dimensional
9 printer or computer numerical control milling machine, or a firearm
10 accessory that meets any of the following conditions:

11 (i) The product was sold, made, distributed, or marketed in
12 this state.

13 (ii) The product was intended to be sold, made, distributed, or
14 marketed in this state.

15 (iii) The product was possessed in this state and it was
16 reasonably foreseeable that the product would be possessed or used
17 in this state.

18 (d) "Firearm trafficker" means a person who acquires,
19 transfers, or attempts to acquire or transfer a firearm for
20 purposes of unlawful commerce.

21 (e) "Pistol converter" means any device or instrument that
22 when installed in or attached to the slide of a semi-automatic
23 pistol interferes with the trigger mechanism and thereby enables
24 the pistol to discharge a number of shots or bullets rapidly or
25 automatically with 1 continuous pull of the trigger.

26 (f) "Public nuisance" means a condition that injures,
27 endangers, or threatens to injure or endanger or that contributes
28 to the injury or endangerment of the health, safety, peace,
29 comfort, or convenience of others or that otherwise constitutes a

1 public nuisance under common law.

2 (g) "Reasonable controls" means reasonable procedures,
3 safeguards, and business practices that are designed to do all of
4 the following:

5 (i) Prevent the sale or distribution of a firearm-related
6 product to a straw purchaser, a firearm trafficker, a person
7 prohibited from purchasing, possessing, or using a firearm under
8 state or federal law, or a person that the firearm industry member
9 has reasonable cause to believe is at substantial risk of using a
10 firearm-related product to harm the person or unlawfully harm
11 another or of unlawfully possessing or using a firearm-related
12 product.

13 (ii) Prevent the loss of a firearm-related product or theft of
14 a firearm-related product from a firearm industry member.

15 (iii) Ensure that the firearm industry member complies with all
16 provisions of state and federal law and does not otherwise promote
17 the unlawful manufacture, sale, possession, marketing, or use of a
18 firearm-related product.

19 (iv) Ensure that the firearm industry member does not engage in
20 an act or practice in violation of the Michigan consumer protection
21 act, 1976 PA 331, MCL 445.901 to 445.922.

22 (v) Ensure that reasonable steps to prevent the installation
23 and use of a pistol converter on a firearm-related product are
24 taken.

25 (h) "Straw purchaser" means an individual who conceals, or
26 intends to conceal, from a firearm industry member that the
27 purchase of a firearm is being made on behalf of a third party.
28 Straw purchaser does not include a person who purchases a firearm
29 as a bona fide gift to a person who is not prohibited by law from

1 possessing or receiving a firearm-related product. For purposes of
2 this subdivision, a gift to a person is not a bona fide gift if the
3 person has offered or given the purchaser a service or thing of
4 value to acquire the firearm for the person.

5 (i) "Three-dimensional printer" means a computer-aided
6 manufacturing device capable of producing a 3-dimensional object
7 from a 3-dimensional digital model through an additive
8 manufacturing process that involves the layering of 2-dimensional
9 cross sections formed of a resin or similar material that are fused
10 together to form a 3-dimensional object.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 6185 (request no.
13 06802'24 a) of the 102nd Legislature is enacted into law.