



Manufacturer's Bank Building, 12th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

REQ.S FOR SALE OR PURCHASE OF FIREARMS

House Bill 6009

Sponsor: Rep. Shirley Johnson

House Bill 6010

Sponsor: Rep. Jerry C. Bartnik

Committee: Tourism, Fisheries & Wildlife

Complete to 11-7-90

A SUMMARY OF HOUSE BILLS 6009 AND 6010 AS INTRODUCED 9-13-90

House Bill 6009 would amend current law to revise the requirements for the sale or purchase of firearms. Under current law, a person must obtain a license before purchasing, carrying, or transporting a pistol. The bill would prohibit the granting of a license if the person was under the age of 21 and was purchasing the firearm from a federally licensed firearm dealer. The law prohibits the granting of a license if the person has been convicted of a felony or has been incarcerated as a result of a felony within the eight year period immediately preceding the date of application. The bill would prohibit the granting of a license if the person had been convicted of a crime punishable by imprisonment for more than one year. However, this provision would not apply to conviction that had been set aside or expunged, or for which the person had been pardoned, unless the expungement, order, or pardon expressly prohibited the person from shipping, transporting, possessing or receiving firearms. A person who was prohibited from receiving a license due to conviction for a crime punishable by imprisonment for more than one year could apply to the director of the Department of State Police for relief from the prohibition. The director could grant relief if the applicant showed that the circumstances regarding the conviction and the applicant's record and reputation were such that the applicant would not be likely to act in a manner dangerous to the public safety and that granting relief would not be contrary to the public interest. An applicant could seek judicial review of a denial by the director in circuit court.

Current law specifies a licensing process for the purchase of a pistol. Under the law, the purchaser of a pistol may only obtain one license per pistol. Under the bill, a licensing authority may issue a license in the form of a pistol acquisition certificate to a pistol purchaser. The certificate could be used by the person to purchase one or more pistols. The licensing authority would determine the number of pistols that could be purchased, and the number would be specified on the certificate. The certificate would be valid for three years after the date of issuance.

Currently, owners and others in possession of a pistol who reside in a city, township, or village with an organized police department must present the pistol to an authority within the department for a safety inspection. If the person resides in an area not included within a city, township, or village with a police department, the person would present the pistol to the county sheriff. The bill would specify that a person who presented a pistol for inspection would have to ensure that the pistol was equipped with a trigger lock or enclosed in a locked container when the pistol was presented. A person who violated the bill would be responsible for a civil violation and could be fined up to \$50.

The bill is tie-barred to House Bill 6010.

MCL 28.422 and 28.429

House Bill 6010 would amend the Michigan Penal Code to add certain criminal violations involving firearms and provide for penalties.

Sale of firearms. The bill would prohibit a person from selling a firearm or ammunition to a purchaser the seller knew was under indictment for, or had been convicted of, a crime punishable by imprisonment for more than one year. The provision would not apply to a purchaser who was a licensed firearm or ammunition seller during the term of the indictment until any conviction, nor would the provision apply to a purchaser who was granted relief by pardon or an expungement. A person who violated the provision would be guilty of a felony, punishable by imprisonment for up to ten years or a fine of up to \$5,000 or both.

Possession of a firearm during commission of a felony. The code establishes penalties for a person who has possession of a firearm during commission or attempt of a felony. Exceptions to the provision are granted when the primary felony involves the carrying of a concealed weapon or the unlawful possession of a weapon. The bill would amend the act to provide an exception to the provision when the primary crime is the illegal sale of pistols.

Penalties for violations involving firearms. A person who possessed a firearm with altered markings during the commission or attempt of a felony would be guilty of a felony and imprisoned for four years. Upon a second conviction under this provision the person would be imprisoned for ten years, and a third or subsequent conviction would result in imprisonment for 20 years. The provision would not apply when the primary crime involved the carrying of a concealed weapon, the unlawful possession of a weapon, or the alteration, removal or obliteration of a mark or the number on a firearm.

The following two violations would also result in imprisonment for four years for the first felony conviction, ten years for the second and 20 years for the third or subsequent felony conviction:

- the carrying or possession of a shotgun equipped with a rotary magazine capable of holding more than 9 rounds of ammunition at the time of the commission or attempt of a felony;
- the possession of a firearm at the time of commission or attempt of a felony regarding the distribution, manufacture, or

delivery of a controlled substance, prescription form, or counterfeit prescription form.

Use of body armor during crimes. Under the bill, a person who committed or attempted to commit a crime involving a violent act or a threat of a violent act against another person while wearing body armor would be guilty of a felony. The bill would define the term "body armor" to mean clothing or a device designed or intended to protect the person or a portion of the person's body from injury caused by a firearm.

Pistol purchase provisions and safety inspections. Under the act, a person who fails to have a pistol inspected or who purchases a pistol without a license is guilty of a misdemeanor. The bill would specify that the misdemeanor would be punishable by imprisonment for up to 90 days, a fine of up to \$100, or both. In addition, the provision would not apply to a person who obtained a pistol in violation of the safety or licensing requirement before the effective date of the bill, who had not been convicted of that violation, and who obtained a license or had the pistol inspected as required within 90 days after the effective date of the bill.

Discharging a firearm. A person who intentionally discharged a firearm from a motor vehicle in a manner endangering to the safety of others, or who discharged a firearm in a facility that he or she had reason to believe was occupied would be guilty of a felony punishable by imprisonment for up to four years, or a fine of up to \$2,000, or both. A person who intentionally discharged a firearm at a motor vehicle that he or she had reason to believe was an emergency or law enforcement vehicle would be guilty of a felony punishable by imprisonment for up to four years, or a fine of up to \$2,000, or both.

Stolen firearms. Under the bill, a person who committed larceny by stealing the firearm of another person would be guilty of a felony punishable by imprisonment for up to five years, a fine of up to \$2,500, or both. A person who transported or shipped a stolen firearm or stolen ammunition, knowing that the item was stolen, would be guilty of a felony punishable by imprisonment for up to ten years, a fine of up to \$5,000, or both. A person who received, concealed, stored, bartered, sold, disposed of, pledged, or accepted as security for a loan a stolen firearm or ammunition, knowing that the item was stolen, would be guilty of a felony punishable by imprisonment for up to ten years or a fine of up to \$5,000 or both.

The bill is tie-barred to House Bill 6009.

MCL 750.223 et al.