

HOUSE BILL No. 4624

April 13, 1989, Introduced by Reps. Porreca, Palamara, Brown, Stupak, Dolan, Gire, Ostling, Stopczynski, DeLange, Bryant, Jondahl, Barns, Murphy and Emerson and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding sections 224e, 224f, 224g, and 224h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding sections 224e, 224f, 224g, and 224h to
4 read as follows:

5 SEC. 224E. AS USED IN SECTIONS 224F TO 224H, "ASSAULT
6 WEAPON" MEANS ANY OF THE FOLLOWING:

7 (A) ANY OF THE FOLLOWING SPECIFIED RIFLES:

8 (i) A MODEL OF NORINCO, MITCHELL, OR POLY TECHNOLOGIES
9 AVTOMAT KALASHNIKOVs.

- 1 (ii) ACTION ARMS ISRAELI MILITARY INDUSTRIES UZI OR GALIL.
- 2 (iii) BERETTA AR-70 (SC-70).
- 3 (iv) CETME G3.
- 4 (v) COLT AR-15 OR CAR-15.
- 5 (vi) DAEWOO K-1, K-2, MAX 1, OR MAX 2.
- 6 (vii) FABRIQUE NATIONALE FN/FAL, FN/LAR, OR FNC.
- 7 (viii) FAMAS MAS223.
- 8 (ix) HECKLER & KOCH HK-91, H-93, HK-94, OR PSG-1.
- 9 (x) MAC 10 OR MAC 11.
- 10 (xi) SKS WITH DETACHABLE MAGAZINE.
- 11 (xii) SIG 57 AMT OR 500 SERIES.
- 12 (xiii) SPRINGFIELD ARMORY BM59 OR SAR-48.
- 13 (xiv) STERLING MK-6 OR SAR.
- 14 (xv) STEYR AUG.
- 15 (xvi) VALMET M62, M71S, OR M78.
- 16 (B) ANY OF THE FOLLOWING SPECIFIED PISTOLS:
- 17 (i) ACTION ARMS UZI.
- 18 (ii) ENCOM MP-9 OR MP-45.
- 19 (iii) MAC 10 OR MAC 11.
- 20 (iv) INTRATEC TEC-9.
- 21 (v) MITCHELL ARMS SPECTRE AUTO.
- 22 (vi) STERLING MK-7.
- 23 (C) ANY OF THE FOLLOWING SPECIFIED SHOTGUNS.
- 24 (i) FRANCHI SPAS 12 OR LAW 12.
- 25 (ii) GILBERT EQUIPMENT COMPANY STRIKER 12.
- 26 (D) ANY OTHER MODEL BY THE SAME MANUFACTURER OF A FIREARM
- 27 LISTED IN SUBDIVISION (A), (B), OR (C), WITH THE SAME ACTION

1 DESIGN, BUT WITH A SLIGHT MODIFICATION OR ENHANCEMENT, INCLUDING,
2 BUT NOT LIMITED TO, A FOLDING OR RETRACTABLE STOCK; AN ADJUSTABLE
3 SIGHT; A CASE DEFLECTOR FOR LEFT-HANDED SHOOTERS; A SHORTER
4 BARREL; A WOODEN, PLASTIC, OR METAL STOCK; A LARGER CLIP SIZE; A
5 DIFFERENT CALIBER, IF THE CALIBER EXCEEDS .22 RIMFIRE; OR A BAYO-
6 NET MOUNT.

7 (E) ANY OTHER FIREARM WITH AN ACTION DESIGN IDENTICAL OR
8 NEARLY IDENTICAL TO A FIREARM LISTED IN SUBDIVISION (A), (B),
9 (C), OR (D) THAT HAS BEEN REDESIGNED, RENAMED, OR RENUMBERED
10 FROM, OR PATTERNED AFTER, 1 OF THE LISTED FIREARMS REGARDLESS OF
11 THE COMPANY OF PRODUCTION OR COUNTRY OF ORIGIN, OR ANY FIREARM
12 THAT HAS BEEN MANUFACTURED OR SOLD BY ANOTHER COMPANY UNDER A
13 LICENSING AGREEMENT TO MANUFACTURE OR SELL A FIREARM IDENTICAL OR
14 NEARLY IDENTICAL TO A FIREARM LISTED IN SUBDIVISION (A), (B), OR
15 (C), OR DESCRIBED IN SUBDIVISION (D), REGARDLESS OF THE COMPANY
16 OF PRODUCTION OR COUNTRY OF ORIGIN.

17 SEC. 224F. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
18 TION, SECTION 224G, OR SECTION 224H, A PERSON WHO MANUFACTURES OR
19 CAUSES TO BE MANUFACTURED, IMPORTS INTO THE STATE, KEEPS FOR
20 SALE, SELLS, OFFERS OR EXPOSES FOR SALE, GIVES, LENDS, OR POS-
21 SESSES AN ASSAULT WEAPON IS GUILTY OF A FELONY.

22 (2) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE
23 FOLLOWING:

24 (A) THE PURCHASE OR POSSESSION OF AN ASSAULT WEAPON BY, OR
25 THE SALE OF AN ASSAULT WEAPON TO, ANY OF THE FOLLOWING FOR USE IN
26 THE DISCHARGE OF OFFICIAL DUTIES:

1 (i) THE DEPARTMENT OF STATE POLICE, A SHERIFF'S DEPARTMENT
2 OF A COUNTY, OR A POLICE DEPARTMENT OF A CITY, VILLAGE, OR
3 TOWNSHIP.

4 (ii) THE DEPARTMENT OF CORRECTIONS.

5 (iii) THE MILITARY OR NAVAL FORCES OF THIS STATE OR OF THE
6 UNITED STATES.

7 (B) THE POSSESSION OF AN ASSAULT WEAPON BY A PEACE OFFICER
8 REGULARLY EMPLOYED AND PAID BY THE DEPARTMENT OF STATE POLICE, A
9 SHERIFF'S DEPARTMENT OF A COUNTY, OR A POLICE DEPARTMENT OF A
10 CITY, VILLAGE, OR TOWNSHIP WHILE THE OFFICER IS ON DUTY, IF THE
11 POSSESSION IS WITHIN THE SCOPE OF THE OFFICER'S DUTIES.

12 SEC. 224G. (1) A PERSON WHO LAWFULLY POSSESSES AN ASSAULT
13 WEAPON PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL REGISTER
14 THE WEAPON BEFORE JANUARY 1, 1990, WITH THE DEPARTMENT OF STATE
15 POLICE PURSUANT TO PROCEDURES PRESCRIBED BY THE DEPARTMENT. THE
16 REGISTRATION SHALL CONTAIN A DESCRIPTION OF THE WEAPON THAT IDEN-
17 TIFIES IT UNIQUELY, INCLUDING ALL IDENTIFICATION MARKS AND NUM-
18 BERS, THE FULL NAME, ADDRESS, DATE OF BIRTH, AND FINGERPRINTS OF
19 THE OWNER, AND ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS
20 APPROPRIATE.

21 (2) A PERSON WHO REGISTERS AN ASSAULT WEAPON UNDER SUBSEC-
22 TION (1) SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF ANY
23 CHANGE OF HIS OR HER ADDRESS WITHIN 90 DAYS AFTER THE CHANGE.

24 (3) THE DEPARTMENT MAY CHARGE A FEE FOR REGISTRATION UNDER
25 THIS SECTION OF NOT MORE THAN THE ACTUAL COSTS OF PROCESSING THE
26 REGISTRATION.

1 (4) AN ASSAULT WEAPON POSSESSED PURSUANT TO THIS SECTION
2 SHALL NOT BE SOLD ON OR AFTER JANUARY 1, 1990, TO ANY PERSON
3 WITHIN THE STATE OTHER THAN A LICENSED GUN DEALER AS DEFINED IN
4 SECTION 224H.

5 (5) A PERSON WHO OBTAINS TITLE TO AN ASSAULT WEAPON REGIS-
6 TERED UNDER THIS SECTION BY BEQUEST OR INTESTATE SUCCESSION
7 SHALL, WITHIN 90 DAYS AFTER OBTAINING TITLE, EITHER SELL THE
8 WEAPON TO A LICENSED GUN DEALER OR REMOVE THE WEAPON FROM THIS
9 STATE.

10 (6) A PERSON WHO REGISTERS AN ASSAULT WEAPON AS REQUIRED
11 UNDER THIS SECTION MAY POSSESS IT ONLY UNDER THE FOLLOWING
12 CONDITIONS:

13 (A) AT THE PERSON'S RESIDENCE, PLACE OF BUSINESS, OR OTHER
14 PROPERTY OWNED BY THE PERSON, OR ON PROPERTY OWNED BY ANOTHER
15 WITH THE OWNER'S EXPRESS PERMISSION.

16 (B) WHILE ON THE PREMISES OF A TARGET RANGE OF A PUBLIC OR
17 PRIVATE CLUB OR ORGANIZATION ORGANIZED FOR THE PURPOSE OF PRAC-
18 TICING SHOOTING AT TARGETS.

19 (C) WHILE ON A TARGET RANGE THAT HOLDS A REGULATORY OR BUSI-
20 NESS LICENSE FOR THE PURPOSE OF PRACTICING SHOOTING AT THAT
21 TARGET RANGE.

22 (D) WHILE ATTENDING ANY EXHIBITION, DISPLAY, OR EDUCATIONAL
23 PROJECT THAT IS ABOUT FIREARMS AND IS SPONSORED BY, CONDUCTED
24 UNDER THE AUSPICES OF, OR APPROVED BY A LAW ENFORCEMENT AGENCY OR
25 A NATIONALLY OR STATE RECOGNIZED ENTITY THAT FOSTERS PROFICIENCY
26 IN, OR PROMOTES EDUCATION ABOUT, FIREARMS.

1 (E) WHILE TRANSPORTING THE ASSAULT WEAPON BETWEEN ANY OF THE
2 PLACES LISTED IN THIS SUBSECTION IN THE MANNER PRESCRIBED BY
3 LAW.

4 (7) A PERSON LESS THAN 18 YEARS OF AGE; A PERSON WHO HAS
5 BEEN DIAGNOSED AS SUFFERING FROM MENTAL ILLNESS AS DEFINED IN
6 SECTION 400A OF THE MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC
7 ACTS OF 1974, BEING SECTION 330.1400A OF THE MICHIGAN COMPILED
8 LAWS; OR A PERSON REQUIRING TREATMENT AS DEFINED IN SECTION 401
9 OF ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING SECTION 330.1401
10 OF THE MICHIGAN COMPILED LAWS, SHALL NOT REGISTER OR POSSESS AN
11 ASSAULT WEAPON.

12 (8) THE DEPARTMENT OF STATE POLICE SHALL PROMULGATE RULES
13 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT
14 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
15 24.328 OF THE MICHIGAN COMPILED LAWS, TO IMPLEMENT THIS SECTION.

16 SEC. 224H. (1) A LICENSED GUN DEALER WHO LAWFULLY POSSESSES
17 AN ASSAULT WEAPON PURSUANT TO SECTION 224G, IN ADDITION TO THE
18 USES ALLOWED UNDER SECTION 224G, MAY TRANSPORT THE WEAPON, IN THE
19 MANNER PRESCRIBED BY LAW, BETWEEN DEALERS OR OUT OF THE STATE,
20 DISPLAY IT AT A GUN SHOW LICENSED BY A STATE OR LOCAL GOVERNMENTAL
21 ENTITY, OR SELL IT TO A PERSON RESIDING OUTSIDE THE STATE.

22 (2) AS USED IN THIS SECTION, "LICENSED GUN DEALER" MEANS A
23 PERSON WHO HOLDS A LICENSE TO ENGAGE IN BUSINESS AS A DEALER
24 ISSUED BY THE SECRETARY OF THE TREASURY OF THE UNITED STATES
25 UNDER SECTION 923 OF TITLE 18 OF THE UNITED STATES CODE,
26 18 U.S.C. 923.