

# HOUSE BILL No. 5358

December 12, 1989, Introduced by Kosteva, Bartnik, Berman, Profit, Gubow, DeMars, Weeks, Wallace, Stallworth, Porreca, Richard A. Young, Emerson, Jonker, Pitoniak, Leland, Jondahl, Hood, O'Neill, Bennane, Perry Bullard, Hart, Barns, Owen, Kilpatrick, Palamara, Saunders, Harrison, Brown and Gire 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 section 224e.

## 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 section 224e to read as follows:

4 SEC. 224E. (1) A PERSON SHALL NOT KNOWINGLY MANUFACTURE,  
5 SELL, DISTRIBUTE, OR POSSESS OR ATTEMPT TO MANUFACTURE, SELL,  
6 DISTRIBUTE, OR POSSESS A SHOTGUN THAT IS CAPABLE OF HOLDING 6 OR  
7 MORE ROUNDS OF AMMUNITION.

1 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
2 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR  
3 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 (A) A POLICE AGENCY OF THIS STATE, OR OF A LOCAL UNIT OF  
6 GOVERNMENT OF THIS STATE, OR OF THE UNITED STATES.

7 (B) AN EMPLOYEE OF AN AGENCY DESCRIBED IN SUBDIVISION (A),  
8 IF THE MANUFACTURE, SALE, DISTRIBUTION, OR POSSESSION OR  
9 ATTEMPTED MANUFACTURE, SALE, DISTRIBUTION, OR POSSESSION IS IN  
10 THE COURSE OF HIS OR HER OFFICIAL DUTIES AS AN EMPLOYEE OF THAT  
11 AGENCY.

12 (C) THE ARMED FORCES.

13 (D) A MEMBER OR EMPLOYEE OF THE ARMED FORCES, IF THE MANU-  
14 FACTURE, SALE, DISTRIBUTION, OR POSSESSION OR ATTEMPTED MANUFAC-  
15 TURE, SALE, DISTRIBUTION OR POSSESSION IS IN THE COURSE OF HIS OR  
16 HER OFFICIAL DUTIES AS A MEMBER OR EMPLOYEE OF THE ARMED FORCES.

17 (E) A LICENSED COLLECTOR WHO SELLS, DISTRIBUTES, OR POS-  
18 SESSES OR ATTEMPTS TO SELL, DISTRIBUTE, OR POSSESS A SHOTGUN  
19 CAPABLE OF HOLDING 6 OR MORE ROUNDS OF AMMUNITION PURSUANT TO HIS  
20 OR HER LICENSE AS A COLLECTOR.

21 (F) A PERSON WHO POSSESSES A SHOTGUN CAPABLE OF HOLDING 6 OR  
22 MORE ROUNDS OF AMMUNITION THAT WAS OWNED BY THAT PERSON BEFORE  
23 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
24 SECTION. THIS SUBDIVISION DOES NOT PERMIT A PERSON WHO OWNED A  
25 SHOTGUN CAPABLE OF HOLDING 6 OR MORE ROUNDS OF AMMUNITION BEFORE  
26 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION  
27 TO SELL OR DISTRIBUTE OR ATTEMPT TO SELL OR DISTRIBUTE THAT

1 SHOTGUN TO ANOTHER PERSON AFTER THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SECTION.

3 (4) AS USED IN THIS SECTION, "LICENSED COLLECTOR" MEANS A  
4 PERSON WHO IS LICENSED UNDER CHAPTER 44 OF TITLE 18 OF THE UNITED  
5 STATES CODE TO ACQUIRE, HOLD, OR DISPOSE OF FIREARMS AS CURIOS OR  
6 RELICS.