

# SENATE BILL No. 41

January 27, 2009, Introduced by Senator BASHAM and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 225.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 225. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON  
2        SHALL NOT DO EITHER OF THE FOLLOWING:

3        (A) REMOVE, DISGUISE, CLOAK, COVER, CONCEAL, OR MASK THE  
4        COLORED MARKINGS REQUIRED ON A TOY, LOOK-ALIKE, OR IMITATION  
5        FIREARM UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES.

6        (B) ADD OR INSTALL ANY COLOR OR MARKINGS THAT ARE REQUIRED FOR  
7        AN IMITATION FIREARM UNDER THE LAWS OF THIS STATE OR OF THE UNITED  
8        STATES IN A WAY THAT MAKES A FIREARM LOOK MORE LIKE AN IMITATION  
9        FIREARM.

10       (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY  
11       PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 18 MONTHS OR A FINE OF

1 NOT MORE THAN \$10,000.00, OR BOTH.

2 (3) THIS SECTION DOES NOT APPLY TO A MANUFACTURER, IMPORTER,  
3 OR DISTRIBUTOR OF IMITATION FIREARMS OR TO THE LAWFUL USE OF AN  
4 IMITATION FIREARM IN A MOTION PICTURE, TELEVISION, STAGE, OR OTHER  
5 THEATRICAL PRODUCTION.

6 (4) AS USED IN THIS SECTION:

7 (A) "BB GUN" MEANS A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND  
8 MANUFACTURED EXCLUSIVELY TO PROPEL BBS THAT DO NOT EXCEED .177  
9 CALIBER BY A SPRING OR BY GAS OR AIR.

10 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 222.

11 (C) "IMITATION FIREARM" MEANS A BB GUN, TOY GUN, REPLICA OF A  
12 FIREARM, OR OTHER DEVICE THAT IS SO SUBSTANTIALLY SIMILAR IN  
13 COLORATION AND OVERALL APPEARANCE TO AN EXISTING FIREARM AS TO LEAD  
14 A REASONABLE PERSON TO PERCEIVE THAT THE DEVICE IS A FIREARM.