

HOUSE BILL No. 5999

October 19, 2016, Introduced by Reps. Hoadley and Wittenberg and referred to the
Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 223 (MCL 750.223), as amended by 2012 PA 242.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 223. ~~(1) A person who knowingly sells a pistol without~~
2 ~~complying with section 2 of 1927 PA 372, MCL 28.422, is guilty of a~~
3 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~
4 ~~or a fine of not more than \$100.00, or both.~~
5 ~~—— (2) A person who knowingly sells a firearm more than 26 inches~~
6 ~~in length to a person under 18 years of age is guilty of a~~
7 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~
8 ~~or a fine of not more than \$500.00, or both. A second or subsequent~~
9 ~~violation of this subsection is a felony punishable by imprisonment~~
10 ~~for not more than 4 years, or a fine of not more than \$2,000.00, or~~
11 ~~both. It is an affirmative defense to a prosecution under this~~

1 ~~subsection that the person who sold the firearm asked to see and~~
2 ~~was shown a driver's license or identification card issued by a~~
3 ~~state that identified the purchaser as being 18 years of age or~~
4 ~~older.~~

5 ~~—— (3) A seller shall not sell a firearm or ammunition to a~~
6 ~~person if the seller knows that either of the following~~
7 ~~circumstances exists:~~

8 ~~—— (a) The person is under indictment for a felony. As used in~~
9 ~~this subdivision, "felony" means a violation of a law of this~~
10 ~~state, or of another state, or of the United States that is~~
11 ~~punishable by imprisonment for 4 years or more.~~

12 ~~—— (b) The person is prohibited under section 224f from~~
13 ~~possessing, using, transporting, selling, purchasing, carrying,~~
14 ~~shipping, receiving, or distributing a firearm.~~

15 ~~—— (4) A person who violates subsection (3) is guilty of a~~
16 ~~felony, punishable by imprisonment for not more than 10 years, or~~
17 ~~by a fine of not more than \$5,000.00, or both.~~

18 ~~—— (5) As used in this section, "licensed dealer" means a person~~
19 ~~licensed under 18 USC 923 who regularly buys and sells firearms as~~
20 ~~a commercial activity with the principal objective of livelihood~~
21 ~~and profit.~~

22 **(1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:**

23 **(A) PURCHASE OR ATTEMPT TO PURCHASE A PISTOL WITH THE INTENT**
24 **TO SELL OR OTHERWISE FURNISH THAT PISTOL TO A PERSON HE OR SHE**
25 **KNOWS IS NOT LICENSED OR EXEMPT FROM LICENSURE UNDER SECTION 2 OF**
26 **1927 PA 372, MCL 28.422, TO PURCHASE A PISTOL.**

27 **(B) SELL OR OTHERWISE FURNISH A PISTOL TO A PERSON HE OR SHE**

1 KNOWS IS NOT LICENSED OR EXEMPT FROM LICENSURE UNDER SECTION 2 OF
2 1927 PA 372, MCL 28.422, TO PURCHASE A PISTOL.

3 (C) PURCHASE OR ATTEMPT TO PURCHASE A FIREARM OTHER THAN A
4 PISTOL WITH THE INTENT TO SELL OR OTHERWISE FURNISH THAT FIREARM TO
5 A PERSON HE OR SHE KNOWS IS LESS THAN 18 YEARS OF AGE OR WHO HE OR
6 SHE KNOWS IS OTHERWISE NOT LEGALLY QUALIFIED TO PURCHASE THAT
7 FIREARM.

8 (D) SELL OR OTHERWISE FURNISH A FIREARM OTHER THAN A PISTOL TO
9 A PERSON HE OR SHE KNOWS IS LESS THAN 18 YEARS OF AGE OR WHO HE OR
10 SHE KNOWS IS OTHERWISE NOT LEGALLY QUALIFIED TO PURCHASE THAT
11 FIREARM.

12 (E) PURCHASE OR ATTEMPT TO PURCHASE A FIREARM OR AMMUNITION
13 WITH THE INTENT TO SELL OR OTHERWISE FURNISH THAT FIREARM OR
14 AMMUNITION TO A PERSON IF HE OR SHE KNOWS EITHER OF THE FOLLOWING
15 CIRCUMSTANCES EXISTS:

16 (i) THE PERSON IS CHARGED WITH COMMITTING A FELONY.

17 (ii) THE PERSON IS PROHIBITED UNDER SECTION 224F FROM
18 POSSESSING, USING, TRANSPORTING, SELLING, PURCHASING, CARRYING,
19 SHIPPING, RECEIVING, OR DISTRIBUTING A FIREARM.

20 (F) SELL OR OTHERWISE FURNISH A FIREARM OR AMMUNITION TO A
21 PERSON IF HE OR SHE KNOWS EITHER OF THE FOLLOWING CIRCUMSTANCES
22 EXISTS:

23 (i) THE PERSON IS CHARGED WITH COMMITTING A FELONY.

24 (ii) THE PERSON IS PROHIBITED UNDER SECTION 224F FROM
25 POSSESSING, USING, TRANSPORTING, SELLING, PURCHASING, CARRYING,
26 SHIPPING, RECEIVING, OR DISTRIBUTING A FIREARM.

27 (2) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER

1 SUBSECTION (1) (C) OR (D) FOR SELLING OR OTHERWISE FURNISHING A
2 PISTOL TO AN INDIVIDUAL LESS THAN 18 YEARS OF AGE THAT THE PERSON
3 WHO SOLD OR OTHERWISE FURNISHED THE FIREARM ASKED TO SEE AND WAS
4 SHOWN A DRIVER LICENSE OR IDENTIFICATION CARD ISSUED BY ANOTHER
5 STATE THAT IDENTIFIED THE MINOR AS BEING 18 YEARS OF AGE OR OLDER.

6 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
7 FOLLOWS:

8 (A) FOR A VIOLATION OF SUBSECTION (1) (A) OR (B), THE PERSON IS
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

11 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR A VIOLATION OF
12 SUBSECTION (1) (C) OR (D), THE PERSON IS GUILTY OF A MISDEMEANOR
13 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
14 NOT MORE THAN \$500.00, OR BOTH.

15 (C) FOR A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1) (C)
16 OR (D), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
17 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR
18 BOTH.

19 (D) FOR A VIOLATION OF SUBSECTION (1) (E) OR (F), THE PERSON IS
20 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10
21 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

22 (4) AS USED IN SUBSECTION (1), "FELONY" MEANS A VIOLATION OF A
23 LAW OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES THAT IS
24 PUNISHABLE BY IMPRISONMENT FOR 4 YEARS OR MORE.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.