

SENATE BILL NO. 1065

August 15, 2020, Introduced by Senator HOLLIER and referred to the Committee on Government Operations.

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, and by adding section 223a.

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

1 in length to a person under 18 years of age is guilty of a
2 misdemeanor punishable by imprisonment for not more than 90 days
3 or a fine of not more than \$500.00, or both. A second or
4 subsequent violation of this subsection is a felony punishable by
5 imprisonment for not more than 4 years or a fine of not more than
6 \$2,000.00, or both. It is an affirmative defense to a prosecution
7 under this subsection that the person who sold the firearm asked to
8 see and was shown a ~~driver's~~**driver** license or identification card
9 issued by a state that identified the purchaser as being 18 years
10 of age or older.

11 (3) A seller shall not sell a firearm or ammunition to a
12 person if the seller knows that either of the following
13 circumstances exists:

14 (a) The person is under indictment for a felony. As used in
15 this subdivision, "felony" means a violation of a law of this
16 state, or of another state, or of the United States that is
17 punishable by imprisonment for 4 years or more.

18 (b) The person is prohibited under section 224f from
19 possessing, using, transporting, selling, purchasing, carrying,
20 shipping, receiving, or distributing a firearm.

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

24 (5) **A person shall not knowingly participate as a seller or**
25 **purchaser in a straw purchase to an individual prohibited from**
26 **possessing a firearm by state or federal law.**

27 (6) **A person who violates subsection (5) is guilty of a felony**
28 **punishable by imprisonment for not more than 15 years or a fine of**
29 **not more than \$50,000.00, or both.**

1 (7) ~~(5)~~ As used in this section: ~~,"licensed dealer" means a~~
2 ~~person licensed under 18 USC 923 who regularly buys and sells~~
3 ~~firearms as a commercial activity with the principal objective of~~
4 ~~livelihood and profit.~~

5 (a) "Straw purchase" means the sale of a firearm in which a
6 straw purchaser is utilized by another individual to do all of the
7 following:

8 (i) Complete the application to purchase a firearm.

9 (ii) Take initial possession of the firearm.

10 (iii) Subsequently transfer the firearm to the individual.

11 (b) "Straw purchaser" means an individual who is used by
12 another individual to assist in completing a straw purchase.

13 Sec. 223a. (1) If a person sells a firearm in violation of
14 section 223, 224f, or 535b, and that firearm is used to commit a
15 felony, the person who sold the firearm is guilty of 1 of the
16 following:

17 (a) If the crime committed with the firearm is a felony with a
18 maximum term of imprisonment of less than 1 year, a misdemeanor
19 punishable by imprisonment for not more than 1 year or a fine of
20 not more than \$5,000.00, or both.

21 (b) If the crime committed with the firearm is a felony with a
22 maximum term of imprisonment of 1 year or more but less than 2
23 years, a felony punishable by imprisonment for not more than 2
24 years or a fine of not more than \$5,000.00, or both.

25 (c) If the crime committed with the firearm is a felony with a
26 maximum term of imprisonment of 2 years or more but less than 4
27 years, a felony punishable by imprisonment for not more than 4
28 years or a fine of not more than \$5,000.00, or both.

29 (d) If the crime committed with the firearm is a felony with a

1 maximum term of imprisonment of 4 years or more but less than 10
2 years, a felony punishable by imprisonment for not more than 10
3 years or a fine of not more than \$5,000.00, or both.

4 (e) If the crime committed with the firearm is a felony
5 punishable by a maximum term of imprisonment of 10 years or more
6 but less than 15 years, a felony punishable by imprisonment for not
7 more than 15 years or a fine of not more than \$10,000.00, or both.

8 (f) If the crime committed with the firearm is a felony
9 punishable by a maximum term of imprisonment of 15 years or more or
10 for life, a felony punishable by imprisonment for not more than 20
11 years or a fine of not more than \$20,000.00, or both.

12 (2) A person who sells a firearm in violation of section 223,
13 224f, or 535b is liable for financial damages for personal injury,
14 including death, that results from any felony committed with that
15 firearm.