

HOUSE BILL NO. 4870

May 18, 2021, Introduced by Reps. Brenda Carter, Anthony, Bolden, Aiyash, Stone, Sowerby, Clemente, Rogers, Hood, Ellison, Cavanagh, Brixie, Weiss, Brabec, Kuppa, Breen, Morse, Puri, Pohutsky, Tyrone Carter, Cynthia Johnson, Manoogian, Tate, Rabhi and Yancey and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 223 and 232a (MCL 750.223 and 750.232a),
section 223 as amended by 2012 PA 242 and section 232a as amended
by 1990 PA 321.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 223. (1) A person who knowingly sells a ~~pistol~~**firearm**
2 without complying with section 2 of 1927 PA 372, MCL 28.422, is
3 guilty of a misdemeanor, punishable by imprisonment for not more

1 than 90 days ~~or~~ or a fine of not more than \$100.00, or both.

2 (2) A person who knowingly sells a firearm more than 26 inches
3 in length to a person under 18 years of age is guilty of a
4 misdemeanor, punishable by imprisonment for not more than 90 days ~~or~~
5 or a fine of not more than \$500.00, or both. A second or subsequent
6 violation of this subsection is a felony punishable by imprisonment
7 for not more than 4 years ~~or~~ or a fine of not more than \$2,000.00,
8 or both. It is an affirmative defense to a prosecution under this
9 subsection that the person who sold the firearm asked to see and
10 was shown a ~~driver's~~**driver** license or identification card issued
11 by a state that identified the purchaser as being 18 years of age
12 or older.

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

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

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

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

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

1 Sec. 232a. (1) Except as provided in subsection (2), a person
2 who obtains a ~~pistol~~ **firearm** in violation of section 2 of ~~Act No.~~
3 ~~372 of the Public Acts of 1927, as amended, being section 28.422 of~~
4 ~~the Michigan Compiled Laws, 1927 PA 372, MCL 28.422,~~ is guilty of a
5 misdemeanor, punishable by imprisonment for not more than 90 days
6 or a fine of not more than \$100.00, or both.

7 (2) Subsection (1) does not apply to a person who obtained a
8 pistol in violation of section 2 of ~~Act No. 372 of the Public Acts~~
9 ~~of 1927 1927 PA 372, MCL 28.422,~~ before ~~the effective date of the~~
10 ~~1990 amendatory act that added this subsection, March 28, 1991,~~ who
11 has not been convicted of that violation, and who obtains a license
12 as required under section 2 of ~~Act No. 372 of the Public Acts of~~
13 ~~1927 1927 PA 372, MCL 28.422,~~ within 90 days after ~~the effective~~
14 ~~date of the 1990 amendatory act that added this subsection.~~ **March**
15 **28, 1991.**

16 (3) A person who intentionally makes a material false
17 statement on an application for a license to purchase a ~~pistol~~
18 **firearm** under section 2 of ~~Act No. 372 of the Public Acts of 1927,~~
19 ~~as amended, 1927 PA 372, MCL 28.422,~~ is guilty of a felony,
20 punishable by imprisonment for not more than 4 years ~~,~~ or a fine of
21 not more than \$2,000.00, or both.

22 (4) A person who uses or attempts to use false identification
23 or the identification of another person to purchase a firearm is
24 guilty of a misdemeanor, punishable by imprisonment for not more
25 than 90 days or a fine of not more than \$100.00, or both.

26 Enacting section 1 This amendatory act does not take effect
27 unless Senate Bill No. ____ or House Bill No. 4869 (request no.
28 00862'21) of the 101st Legislature is enacted into law.