

HOUSE BILL NO. 5658

December 15, 2021, Introduced by Reps. Hood, Brixie, Ellison, Hope, Young, Neeley, Aiyash, Puri, Breen, Brabec, Peterson, Tyrone Carter, Scott, Cynthia Johnson, Cavanagh, Morse, Brenda Carter, O'Neal, LaGrand, Rabhi and Jones 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 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

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

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

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

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

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

23 ~~(5) As used in this section, "licensed dealer" means a person~~
24 ~~licensed under 18 USC 923 who regularly buys and sells firearms as~~
25 ~~a commercial activity with the principal objective of livelihood~~
26 ~~and profit.~~**A seller of a firearm shall not deliver the firearm to**
27 **the purchaser of that firearm until at least 7 days after the date**
28 **the sale of the firearm is completed. A person that violates this**
29 **subsection is guilty of a misdemeanor punishable by imprisonment**

- 1 for not more than 90 days or a fine of not more than \$2,500.00, or
- 2 both.