



HOUSE BILL No. 5744

September 14 1994, Introduced by Rep Barns and referred to the Committee on Judiciary

A bill to amend section 243a of Act No 328 of the Public Acts of 1931 entitled as amended

The Michigan penal code
as amended by Act No 422 of the Public Acts of 1980, being section 750 243a of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 243a of Act No 328 of the Public Acts
2 of 1931 as amended by Act No 422 of the Public Acts of 1980
3 being section 750 243a of the Michigan Compiled Laws is amended
4 to read as follows

5 Sec 243a (1) As used in this chapter

6 (A) 'AUTO BURGLAR ALARM MEANS A TUBE THAT CONTAINS A PYRO-
7 TECHNIC COMPOSITION THAT PRODUCES A LOUD WHISTLE SMOKE, OR BOTH
8 WHEN IGNITED AND THAT MAY CONTAIN NOT MORE THAN 50 MILLIGRAMS OF
9 EXPLOSIVE COMPOSITION THAT PRODUCES A REPORT WHEN IGNITED

1 (B) BOOBY TRAP MEANS A TUBE WITH A STRING PROTRUDING FROM
2 BOTH ENDS THAT CONTAINS NOT MORE THAN 15 MILLIGRAMS OF FRICTION
3 SENSITIVE EXPLOSIVE COMPOSITION AND THAT PRODUCES A REPORT WHEN
4 THE STRINGS ARE PULLED

5 (C) CIGARETTE LOAD MEANS A WOODEN PEG THAT IS COATED WITH
6 A MINUTE QUANTITY OF EXPLOSIVE COMPOSITION IS SMALL ENOUGH TO BE
7 INSERTED INTO A CIGARETTE, AND PRODUCES A REPORT WHEN IGNITED

8 (D) 'CONE FOUNTAIN' MEANS A PAPER CONE THAT CONTAINS LESS
9 THAN 50 GRAMS OF PYROTECHNIC COMPOSITION

10 (E) CYLINDER FOUNTAIN' MEANS A PAPER TUBE NOT MORE THAN 3/4
11 INCHES IN INSIDE DIAMETER THAT CONTAINS LESS THAN 75 GRAMS OF
12 PYROTECHNIC COMPOSITION

13 (F) ~~(a)~~ Fireworks means ~~a~~ ANY COMPOSITION OR device
14 made from explosive or flammable compositions ~~used~~ DESIGNED
15 primarily ~~for the purpose of producing~~ TO PRODUCE a visible
16 display or AN audible effect or both by combustion deflagra-
17 tion, or detonation ~~Fireworks includes class B fireworks and~~
18 ~~class C fireworks~~ HOWEVER, FIREWORKS DOES NOT MEAN HIGHWAY OR
19 RAILWAY FUSES

20 ~~(b) "Class B fireworks" means toy torpedoes railway torpe-~~
21 ~~does, firecrackers or salutes that do not qualify as class C~~
22 ~~fireworks, exhibition display pieces, aeroplane flares, illum-~~
23 ~~inating projectiles incendiary projectiles, incendiary grenades,~~
24 ~~smoke projectiles or bombs containing expelling charges but with-~~
25 ~~out bursting charges, flash powders in inner units not exceeding~~
26 ~~2 ounces each, flash sheets in interior packages, flash powder or~~

1 ~~spreader cartridges containing not more than 72 grains of flash~~
2 ~~powder each, and other similar devices~~

3 ~~(c) "Class C fireworks" means toy smoke devices, toy caps~~
4 ~~containing not more than 25 grains of explosive mixture toy~~
5 ~~propellant devices, cigarette loads, trick matches, trick noise~~
6 ~~makers, smoke candles, smoke pots, smoke grenades, smoke signals~~
7 ~~hand signal devices, Very signal cartridges, sparklers, explosive~~
8 ~~auto alarms, and other similar devices~~

9 (G) FLITTER SPARKLER' MEANS A PAPER TUBE NOT MORE THAN 1/8
10 INCHES IN OUTSIDE DIAMETER THAT CONTAINS LESS THAN 100 GRAMS OF
11 PYROTECHNIC COMPOSITION

12 (H) PARTY POPPER' MEANS A PLASTIC OR PAPER DEVICE THAT CON-
13 TAINS NOT MORE THAN 15 MILLIGRAMS OF FRICTION SENSITIVE EXPLOSIVE
14 COMPOSITION TO WHICH A STRING IS ATTACHED AND THAT EXPELS PAPER
15 STREAMERS AND PRODUCES A REPORT WHEN IGNITED BY PULLING THE
16 STRING

17 (I) SMOKE DEVICE MEANS A TUBE OR SPHERE THAT CONTAINS NOT
18 MORE THAN 250 GRAMS OF PYROTECHNIC OR OTHER CHEMICAL COMPOSITION
19 THAT PRODUCES WHITE OR COLORED SMOKE WHEN IGNITED

20 (J) SNAPPER MEANS A PAPER WRAPPED ITEM THAT CONTAINS PAR-
21 TICLES OF SAND COATED WITH A MINUTE AMOUNT OF AN EXPLOSIVE COMPO-
22 SITION THAT PRODUCES A REPORT WHEN DROPPED ON A HARD SURFACE

23 (K) TOY CAP MEANS A DEVICE THAT CONTAINS NOT MORE THAN 25
24 GRAINS OF EXPLOSIVE COMPOSITION THAT EXPLODES WHEN STRUCK BY
25 ANOTHER OBJECT

26 (L) TOY PISTOL MEANS A DEVICE IN WHICH TOY CAPS ARE USED
27 THAT IS CONSTRUCTED SO THAT THE USER S HAND CANNOT COME IN

1 CONTACT WITH THE TOY CAP WHEN IT IS PLACED IN THE DEVICE FOR AN
2 EXPLOSION AND THAT IS NOT DESIGNED TO BREAK APART OR TO SHOOT A
3 PROJECTILE WHEN THE EXPLOSION OCCURS

4 (M) TOY SNAKE MEANS A COMPRESSED PELLET OF PYROTECHNIC
5 COMPOSITION THAT DOES NOT CONTAIN MERCURIC THIOCYANATE AND THAT
6 PRODUCES AN ASH WHICH EXPANDS IN LENGTH AS THE PELLET BURNS

7 (N) TRICK MATCH MEANS A MATCH THAT HAS BEEN COATED WITH A
8 MINUTE AMOUNT OF AN EXPLOSIVE OR PYROTECHNIC COMPOSITION AND THAT
9 PRODUCES A SHOWER OF SPARKS A REPORT OR BOTH WHEN THE MATCH IS
10 IGNITED

11 (O) WIRE SPARKLER MEANS A WIRE COATED WITH NOT MORE THAN
12 100 GRAMS OF NONMAGNESIUM PYROTECHNIC COMPOSITION OR NOT MORE
13 THAN 5 GRAMS OF PYROTECHNIC COMPOSITION CONTAINING CHLORATE OR
14 PERCHLORATE SALTS THAT PRODUCES A SHOWER OF SPARKS WHEN IGNITED

15 (P) EXPLOSIVE COMPOSITION MEANS A CHEMICAL MIXTURE THAT
16 PRODUCES A REPORT BY DEFLAGRATION OR DETONATION WHEN IGNITED

17 (Q) GOVERNING BODY MEANS THE BODY IN WHICH THE LEGISLATIVE
18 POWERS OF A MUNICIPALITY ARE VESTED

19 (R) LAW ENFORCEMENT OFFICER MEANS A PEACE OFFICER OF A
20 POLICE DEPARTMENT OF A MUNICIPALITY OF A COUNTY SHERIFF S
21 DEPARTMENT OR OF THE STATE POLICE

22 (S) MUNICIPALITY MEANS A CITY TOWNSHIP VILLAGE OR
23 COUNTY

24 (T) 'PERSON' MEANS AN INDIVIDUAL FIRM SOLE PROPRIETORSHIP
25 PARTNERSHIP, CORPORATION, ASSOCIATION MUNICIPALITY, OR OTHER
26 LEGAL ENTITY

1 (U) PYROTECHNIC COMPOSITION MEANS A CHEMICAL MIXTURE THAT
 2 PRODUCES VISIBLE SPARKS OR A REPORT OR BOTH BY COMBUSTION
 3 RATHER THAN DEFLAGRATION OR DETONATION WHEN IGNITED

4 (2) Except as provided in ~~subsection~~ SUBSECTIONS (3) AND
 5 (4) and sections 243b 243c and 243d a person ~~firm partner~~
 6 ~~ship, or corporation~~ shall not offer for sale, ADVERTISE PLACE
 7 AN ADVERTISEMENT FOR expose for sale sell at retail keep with
 8 intent to sell at retail DISPLAY PURCHASE, possess give, fur-
 9 nish transport use STORE explode or cause to explode any of
 10 the following

11 (a) A blank cartridge, blank cartridge pistol toy cannon
 12 toy cane or toy ~~gun~~ PISTOL in which explosives are used

13 (b) An unmanned balloon ~~which~~ THAT requires fire under-
 14 neath to propel it and is not moored to the ground while aloft

15 (c) ~~Firecrackers, torpedoes, skyrockets, roman candles,~~
 16 ~~daygo bombs, bottle rockets, whistling chasers, rockets on~~
 17 ~~sticks, or other fireworks of like construction~~ FIREWORKS

18 (d) Fireworks containing an explosive or ~~inflammable~~
 19 FLAMMABLE compound or a tablet or other device commonly used and
 20 sold as fireworks containing nitrates fulminates chlorates
 21 oxalates sulphides of lead barium antimony arsenic mercury
 22 nitroglycerine phosphorus or a compound containing these or
 23 other modern explosives

24 (3) A permit ISSUED UNDER SECTION 243B is not required ~~for~~
 25 ~~the following~~ TO PURCHASE, POSSESS USE SELL, STORE, OR
 26 TRANSPORT OF TOY CAPS TOY PISTOLS PARTY POPPERS OR SNAPPERS

1 ~~(a) Flat paper caps containing not more than 25 of a grain~~
 2 ~~of explosive content per cap, in packages labeled to indicate the~~
 3 ~~maximum explosive content per cap~~

4 ~~(b) Toy pistols, toy cannons, toy canes, toy trick noise~~
 5 ~~makers, and toy guns of a type approved by the director of the~~
 6 ~~department of state police in which paper caps as described in~~
 7 ~~subdivision (a) are used and which are so constructed that the~~
 8 ~~hand cannot come in contact with the cap when in place for the~~
 9 ~~explosion and which are not designed to break apart or be sepa-~~
 10 ~~rated so as to form a missile by the explosion~~

11 (4) A PERMIT ISSUED UNDER SECTION 243B IS NOT REQUIRED FOR
 12 THE PURCHASE, POSSESSION, USE, SALE, STORAGE, OR TRANSPORTATION
 13 BY A PERSON 18 YEARS OF AGE OR OLDER OR THE POSSESSION AND USE BY
 14 A PERSON LESS THAN 18 YEARS OF AGE UNDER THE DIRECT SUPERVISION
 15 OF A PERSON 18 YEARS OF AGE OR OLDER OF ANY OF THE FOLLOWING

16 (A) ~~(c) Sparklers containing not~~ WIRE SPARKLERS THAT DO
 17 NOT CONTAIN more than ~~8+25 pounds~~ 5 67 GRAMS of burning por-
 18 tion per sparkler

19 (B) ~~(d) Flitter sparklers in paper tubes not exceeding~~
 20 ~~1/8 inch in diameter,~~ cone fountains ~~and~~ OR cylinder
 21 fountains

22 (C) ~~(e) Toy snakes not containing~~ THAT DO NOT CONTAIN
 23 mercury if packed in cardboard boxes with not more than 12
 24 pieces per box for retail sale and if the manufacturer s name and
 25 the quantity contained in each box are printed on the box —
 26 ~~and toy smoke devices~~

(D) SMOKE DEVICES THAT DO NOT CONTAIN MORE THAN 75 GRAMS OF
2 PYROTECHNIC OR OTHER CHEMICAL COMPOSITION

3 (E) BOOBY TRAPS TRICK MATCHES OR CIGARETTE LOADS

4 (f) ~~Possession, transportation, sale, or use of signal~~
5 ~~flares of a type approved by the director of the department of~~
6 ~~state police blank~~ BLANK cartridges or blank cartridge pistols
7 specifically for a show or theater, for the training or exhibit-
8 ing of dogs for signal purposes in athletic sports OR for use
9 by FEDERAL OR STATE military organizations ~~, and all items~~
10 ~~described in subsection (2)~~

11 (G) SIGNAL DEVICES THAT ARE APPROVED BY THE STATE FIRE
12 MARSHAL WHEN used by railroads for emergency signal purposes

13 ~~(g) The sale of fireworks, provided they are to be shipped~~
14 ~~directly out of state pursuant to regulations of the United~~
15 ~~States department of transportation covering the transportation~~
16 ~~of explosives and other dangerous articles by motor, rail, and~~
17 ~~water~~

18 Section 2 This amendatory act shall not take effect unless
19 Senate Bill No _____ or House Bill No 5743 (request
20 no 04446 93) of the 87th Legislature is enacted into law