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House Bill 5427 (as passed by the House)  
House Bill 5428 (Substitute H-1 as passed by the House)  
House Bill 5429 (as passed by the House)  
Sponsor: Representative Daniel Acciavatti (H.B. 5427)  
Representative Fran Amos (H.B. 5428)  
Representative Matt Milosch (H.B. 5429)  
House Committee: Conservation and Outdoor Recreation  
Senate Committee: Judiciary

Date Completed: 4-20-04

## **CONTENT**

### **The bills would amend the handgun licensure Act to exclude an “antique firearm” from the Act’s pistol licensure and safety inspection requirements.**

“Antique firearm” would mean that term as defined in the Michigan Penal Code, i.e., either 1) a firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica of such a firearm, whether actually manufactured before or after 1898, or 2) a firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

### **House Bill 5427**

The bill would exempt purchasing, owning, carrying, possessing, using, or transporting an antique firearm from Sections 2 and 9 of the handgun licensure Act, which contain pistol licensing and safety inspection requirements. Presently, those sections do not apply to any of the following:

- A U.S., Michigan, or local police or correctional agency.
- The U.S. Army, Air Force, Navy, or Marine Corps.
- An organization authorized by law to purchase or receive weapons from the United State or from the State.
- The National Guard, Armed Forces Reserves, or other duly authorized military organization.
- A member of an entity or organization described above, for a pistol while engaged in the course of that member’s duties with that entity or while going to or returning from those duties.
- A U.S. citizen holding a concealed pistol license issued by another state.
- The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms or a licensed dealer.

### **House Bill 5428 (H-1)**

Section 9 of the Act requires a person who owns or comes into possession of a pistol to present it to a law enforcement agency for a safety inspection, and provides that the safety inspection requirement does not apply to a person who holds a collection of pistols kept solely for the purpose of display as relics, curios, or antiques and that are not made for modern ammunition or are permanently deactivated. The bill would delete "solely" and "antiques" from that provision, so that the exception to the safety inspection requirement would apply to a person who held a collection of pistols kept for the purpose of display as relics or curios (subject to the present condition regarding ammunition or deactivation).

### **House Bill 5429**

Section 2 of the Act prohibits a person from purchasing, carrying, or transporting a pistol in Michigan without first having obtained a license for the pistol, and provides that the licensure requirement does not apply to the sale, barter, or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. The bill would delete "solely" and "antiques" from that provision, so that the exception to the licensure requirement would apply to sale, barter, or exchange of pistols kept as relics or curios (subject to the condition regarding ammunition or deactivation).

MCL 28.432 (H.B. 5427)  
28.429 (H.B. 5428)  
28.422 (H.B. 5429)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.