

HOUSE BILL No. 4892

June 7, 2007, Introduced by Reps. Vagnozzi, Constan, Miller, Gonzales, Lemmons, Condino, Bieda, Valentine, Bennett, Nofs, Amos, David Law, Schuitmaker, Cushingberry, Clack, Young, Robert Jones, Meadows, Coulouris, Hammon, Johnson, Bauer, Jackson, Kathleen Law, McDowell and Dean and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 225. (1) SUBJECT TO SUBSECTION (3), A PERSON SHALL NOT
2 CHANGE, ALTER, REMOVE, OR OBLITERATE ANY COLORATION OR MARKINGS
3 THAT ARE REQUIRED FOR AN IMITATION FIREARM BY ANY APPLICABLE STATE
4 OR FEDERAL LAW IN ANY WAY THAT MAKES AN IMITATION FIREARM LOOK MORE
5 LIKE A FIREARM. A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF
6 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
7 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (2) AN INDIVIDUAL SHALL NOT KNOWINGLY POINT, DISPLAY, OR USE
9 AN IMITATION FIREARM WITH THE PURPOSE OF INTIMIDATING, THREATENING,
10 OR ATTEMPTING TO PUT AN INDIVIDUAL IN FEAR OF BODILY INJURY OR FOR

1 ANY UNLAWFUL PURPOSE. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS
2 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
3 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

4 (3) SUBSECTION (1) DOES NOT APPLY TO A MANUFACTURER, IMPORTER,
5 OR DISTRIBUTOR OF IMITATION FIREARMS OR TO THE LAWFUL USE OF AN
6 IMITATION FIREARM IN A MOTION PICTURE, TELEVISION, STAGE, OR OTHER
7 THEATRICAL PRODUCTION.

8 (4) AS USED IN THIS SECTION:

9 (A) "BB GUN" MEANS A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND
10 MANUFACTURED EXCLUSIVELY TO PROPEL BBS THAT DO NOT EXCEED .177
11 CALIBER BY A SPRING OR BY GAS OR AIR.

12 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 222.

13 (C) "IMITATION FIREARM" MEANS A BB GUN, TOY GUN, REPLICA OF A
14 FIREARM, OR OTHER DEVICE THAT IS SO SUBSTANTIALLY SIMILAR IN
15 COLORATION AND OVERALL APPEARANCE TO AN EXISTING FIREARM AS TO LEAD
16 A REASONABLE PERSON TO PERCEIVE THAT THE DEVICE IS A FIREARM.