

SENATE BILL No. 761

(Senate Bill No. 761 as amended December 13, 2011)

October 19, 2011, Introduced by Senators KOWALL, ROBERTSON, JONES, GREEN, MARLEAU, EMMONS, PAPPAGEORGE and MEEKHOF and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 1 (MCL 28.421), as amended by 2008 PA 407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. <<(1)>> As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL
4 761.1, or a violation of a law of the United States or another

1 state that is designated as a felony or that is punishable by death
2 or by imprisonment for more than 1 year.

3 (b) "Firearm" means a weapon from which a dangerous projectile
4 may be propelled by an explosive, or by gas or air. Firearm does
5 not include a smooth bore rifle or handgun designed and
6 manufactured exclusively for propelling by a spring, or by gas or
7 air, ~~BB's~~ ~~BBS~~ not exceeding .177 caliber.

8 (c) "Misdemeanor" means a violation of a penal law of this
9 state or violation of a local ordinance substantially corresponding
10 to a violation of a penal law of this state that is not a felony or
11 a violation of an order, rule, or regulation of a state agency that
12 is punishable by imprisonment or a fine that is not a civil fine,
13 or both.

14 (d) "Peace officer" means, except as otherwise provided in
15 this act, an individual who is employed as a law enforcement
16 officer, as that term is defined under section 2 of the commission
17 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
18 state or another state, a political subdivision of this state or
19 another state, or the United States, and who is required to carry a
20 firearm in the course of his or her duties as a law enforcement
21 officer.

22 (e) "Pistol" means a loaded or unloaded firearm that is ~~30-26~~
23 inches or less in length, or a loaded or unloaded firearm that by
24 its construction and appearance conceals it as a firearm.

25 (f) "Purchaser" means a person who receives a pistol from
26 another person by purchase or gift.

27 (g) "Reserve peace officer", "auxiliary officer", or "reserve

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as amended June 13, 2012

1 officer" means, except as otherwise provided in this act, an
2 individual authorized on a voluntary or irregular basis by a duly
3 authorized police agency of this state or a political subdivision
4 of this state to act as a law enforcement officer, who is
5 responsible for the preservation of the peace, the prevention and
6 detection of crime, and the enforcement of the general criminal
7 laws of this state, and who is otherwise eligible to possess a
8 firearm under this act.

9 (h) "Retired police officer" or "retired law enforcement
10 officer" means an individual who was a police officer or law
11 enforcement officer who was certified as described under section 9a
12 of the commission on the law enforcement standards act, 1965 PA
13 203, MCL 28.609a, and retired in good standing from his or her
14 employment as a police officer or law enforcement officer.

15 (i) "Seller" means a person who sells or gives a pistol to
16 another person.

17 (j) "State court judge" means a judge of the district court,
18 circuit court, probate court, or court of appeals or justice of the
19 supreme court of this state who is serving either by election or
20 appointment.

21 (k) "State court retired judge" means a judge or justice
22 described in subdivision (j) who is retired, or a retired judge of
23 the recorders court.

<<[(2) A PERSON MAY LAWFULLY OWN, POSSESS, CARRY, OR TRANSPORT
AS A PISTOL A FIREARM GREATER THAN 26 INCHES IN LENGTH IF ALL OF THE
FOLLOWING CONDITIONS APPLY:

(A) THE PERSON REGISTERED THE FIREARM AS A PISTOL UNDER SECTION
2 OR 2A BEFORE JANUARY 1, 2013.

(B) THE PERSON WHO REGISTERED THE FIREARM AS DESCRIBED IN
SUBDIVISION (A) HAS MAINTAINED REGISTRATION OF THE FIREARM SINCE
JANUARY 1, 2013 WITHOUT LAPSE.

(C) THE PERSON POSSESSES A COPY OF THE LICENSE OR RECORD ISSUED

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TO HIM OR HER UNDER SECTION 2 OR 2A.

(3) A PERSON WHO SATISFIES ALL OF THE CONDITIONS LISTED UNDER
SUBSECTION (2) NEVERTHELESS MAY ELECT TO HAVE THE FIREARM NOT BE
CONSIDERED TO BE A PISTOL. A PERSON WHO MAKES THE ELECTION UNDER THIS
SUBSECTION SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF THE ELECTION
IN A MANNER PRESCRIBED BY THAT DEPARTMENT.]>>

24 Enacting section 1. This amendatory act takes effect January
25 1, [2013].

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 96th Legislature are

1 enacted into law:

2 (a) Senate Bill No. 760.

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4 (b) Senate Bill No. 762.

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