

Act No. 18
Public Acts of 2023
Approved by the Governor
April 13, 2023
Filed with the Secretary of State
April 13, 2023
EFFECTIVE DATE: Sine Die
(91st day after final adjournment of the 2023 Regular Session)

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Brenda Carter, Breen, Morse, Skaggs, Rogers, Brixie, Rheingans, Martus, Glanville, Arbit, Hood, Wegela, Price, Pohutsky, Byrnes, Brabec, Young, Hope, Morgan, MacDonell, McKinney, Puri, Weiss, Stone, Churches, Liberati, Scott, Koleszar, Mentzer, Grant, O'Neal, Tyrone Carter, Tsernoglou, Hoskins, Dievendorf, Neeley, Wilson, Steckloff, Snyder, Conlin, Fitzgerald, Farhat, Paiz, Whitsett, McFall and Aiyash

ENROLLED HOUSE BILL No. 4142

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 223 and 232a (MCL 750.223 and 750.232a), section 223 as amended by 2012 PA 242 and section 232a as amended by 1990 PA 321.

The People of the State of Michigan enact:

Sec. 223. (1) A person who knowingly sells a firearm without complying with section 2 of 1927 PA 372, MCL 28.422, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

(2) A person who knowingly sells a firearm more than 26 inches in length to a person under 18 years of age is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both. It is an affirmative defense to a prosecution under this subsection that the person who sold the firearm asked to see and was shown a driver license or identification card issued by a state that identified the purchaser as being 18 years of age or older.

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

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

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

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

Sec. 232a. (1) Except as provided in subsection (2), a person who obtains a firearm in violation of section 2 of 1927 PA 372, MCL 28.422, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

(2) Subsection (1) does not apply to a person who obtained a pistol in violation of section 2 of 1927 PA 372, MCL 28.422, before March 28, 1991, who has not been convicted of that violation, and who obtains a license as required under section 2 of 1927 PA 372, MCL 28.422, within 90 days after March 28, 1991.

(3) A person who intentionally makes a material false statement on an application for a license to purchase a firearm under section 2 of 1927 PA 372, MCL 28.422, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(4) A person who uses or attempts to use false identification or the identification of another person to purchase a firearm is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4138 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4138, referred to in enacting section 1, was filed with the Secretary of State April 13, 2023, and became 2023 PA 19, Eff. (sine die).