

SENATE BILL NO. 77

February 16, 2023, Introduced by Senators MOSS, BAYER, CAVANAGH, SINGH, HERTEL, MCMORROW, SHINK, MCCANN, IRWIN, WOJNO, POLEHANKI, GEISS, CHANG, CAMILLERI, MCDONALD RIVET, CHERRY, KLINEFELT, SANTANA, BRINKS and ANTHONY and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," 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:

- 1 Sec. 223. (1) A person who knowingly sells a ~~pistol~~**firearm**
2 without complying with section 2 of 1927 PA 372, MCL 28.422, is
3 guilty of a misdemeanor ~~—~~punishable by imprisonment for not more
4 than 90 days ~~—~~or a fine of not more than \$100.00, or both.
5 (2) A person who knowingly sells a firearm more than 26 inches

1 in length to a person under 18 years of age is guilty of a
2 misdemeanor ~~7~~ punishable by imprisonment for not more than 90 days
3 ~~7~~ or a fine of not more than \$500.00, or both. A second or
4 subsequent violation of this subsection is a felony punishable by
5 imprisonment for not more than 4 years ~~7~~ or a fine of not more than
6 \$2,000.00, or both. It is an affirmative defense to a prosecution
7 under this subsection that the person who sold the firearm asked to
8 see and was shown a ~~driver's~~ **driver** license or identification card
9 issued by a state that identified the purchaser as being 18 years
10 of age or older.

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

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

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

21 (4) A person who violates subsection (3) is guilty of a felony
22 ~~7~~ punishable by imprisonment for not more than 10 years ~~7~~ or by a
23 fine of not more than \$5,000.00, or both.

24 ~~(5) As used in this section, "licensed dealer" means a person~~
25 ~~licensed under 18 USC 923 who regularly buys and sells firearms as~~
26 ~~a commercial activity with the principal objective of livelihood~~
27 ~~and profit.~~

28 Sec. 232a. (1) Except as provided in subsection (2), a person
29 who obtains a ~~pistol~~ **firearm** in violation of section 2 of ~~Act No.~~

1 ~~372 of the Public Acts of 1927, as amended, being section 28.422 of~~
2 ~~the Michigan Compiled Laws, 1927 PA 372, MCL 28.422,~~ is guilty of a
3 misdemeanor ~~punishable by imprisonment for not more than 90 days~~
4 ~~or a fine of not more than \$100.00, or both.~~

5 (2) Subsection (1) does not apply to a person who obtained a
6 pistol in violation of section 2 of ~~Act No. 372 of the Public Acts~~
7 ~~of 1927 1927 PA 372, MCL 28.422,~~ before the effective date of the
8 ~~1990 amendatory act that added this subsection, March 28, 1991,~~ who
9 has not been convicted of that violation, and who obtains a license
10 as required under section 2 of ~~Act No. 372 of the Public Acts of~~
11 ~~1927 1927 PA 372, MCL 28.422,~~ within 90 days after the effective
12 ~~date of the 1990 amendatory act that added this subsection. March~~
13 **28, 1991.**

14 (3) A person who intentionally makes a material false
15 statement on an application for a license to purchase a ~~pistol~~
16 **firearm** under section 2 of ~~Act No. 372 of the Public Acts of 1927,~~
17 ~~as amended, 1927 PA 372, MCL 28.422,~~ is guilty of a felony ~~punishable by imprisonment for not more than 4 years~~ ~~or a fine of~~
18 ~~not more than \$2,000.00, or both.~~

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

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 76 of the 102nd Legislature is enacted into
26 law.