

# HOUSE BILL NO. 4203

March 07, 2023, Introduced by Reps. Tsernoglou, Wilson, Brabec, Scott, Rheingans, Hope, Byrnes, Hood, Steckloff, Paiz, Grant, Tyrone Carter, Brixie, Puri, Arbit, O'Neal, Neeley, Young, Morse, Skaggs, Pohutsky, Farhat, Aiyash and Whitsett and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223, 234f, and 237a (MCL 750.223, 750.234f, and 750.237a), section 223 as amended by 2012 PA 242, section 234f as amended by 1996 PA 80, and section 237a as amended by 2017 PA 96.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 223. (1) A person who knowingly sells a pistol without  
**2**   complying with section 2 of 1927 PA 372, MCL 28.422, is guilty of a  
**3**   misdemeanor ~~—~~punishable by imprisonment for not more than 90 days

1 ~~or~~ a fine of not more than \$100.00, or both.

2 (2) A person who knowingly sells a firearm more than 26 inches  
3 in length to a person under ~~18~~**21** years of age is guilty of a  
4 misdemeanor ~~or~~ punishable by imprisonment for not more than 90 days  
5 ~~or~~ a fine of not more than \$500.00, or both. A second or  
6 subsequent violation of this subsection is a felony punishable by  
7 imprisonment for not more than 4 years ~~or~~ a fine of not more than  
8 \$2,000.00, or both. It is an affirmative defense to a prosecution  
9 under this subsection that the person who sold the firearm asked to  
10 see and was shown a ~~driver's~~**driver** license or identification card  
11 issued by a state that identified the purchaser as being ~~18~~**21**  
12 years of age or older.

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

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

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

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

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

1           Sec. 234f. (1) Except as provided in subsection (2), an  
2 individual less than ~~18~~**21** years of age shall not possess a firearm  
3 in public except under the direct supervision of an individual ~~18~~  
4 **21** years of age or older.

5           (2) Subsection (1) does not apply to an individual less than  
6 ~~18~~**21** years of age who possesses a firearm in accordance with part  
7 401 ~~(wildlife conservation) of the natural resources and~~  
8 ~~environmental protection act, Act No. 451 of the Public Acts of~~  
9 ~~1994, being sections 324.40101 to 324.40119 of the Michigan~~  
10 ~~Compiled Laws, or part 435 (hunting and fishing licensing) of Act~~  
11 ~~No. 451 of the Public Acts of 1994, being sections 324.43501 to~~  
12 ~~324.43561 of the Michigan Compiled Laws. **or part 435 of the natural**~~  
13 ~~**resources and environmental protection act, 1994 PA 451, MCL**~~  
14 ~~**324.40101 to 324.40120 and 324.43501 to 324.43561.**~~ However, an  
15 individual less than ~~18~~**21** years of age may possess a firearm  
16 without a hunting license while at, or going to or from, a  
17 recognized target range or trap or skeet shooting ground if, while  
18 going to or from the range or ground, the firearm is enclosed and  
19 securely fastened in a case or locked in the trunk of a motor  
20 vehicle.

21           (3) An individual who violates this section is guilty of a  
22 misdemeanor ~~—~~punishable by imprisonment for not more than 90 days  
23 ~~—~~or a fine of not more than \$100.00, or both.

24           Sec. 237a. (1) An individual who engages in conduct proscribed  
25 under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,  
26 234a, 234b, or 234c, or who engages in conduct proscribed under  
27 section 223(2) for a second or subsequent time, in a weapon free  
28 school zone is guilty of a felony punishable by 1 or more of the  
29 following:

1 (a) Imprisonment for not more than the maximum term of  
2 imprisonment authorized for the section violated.

3 (b) Community service for not more than 150 hours.

4 (c) A fine of not more than 3 times the maximum fine  
5 authorized for the section violated.

6 (2) An individual who engages in conduct proscribed under  
7 section 223(1), 224d, 227c, 227d, 231c, 232a(1) or (4), 233, 234,  
8 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed  
9 under section 223(2) for the first time, in a weapon free school  
10 zone is guilty of a misdemeanor punishable by 1 or more of the  
11 following:

12 (a) Imprisonment for not more than the maximum term of  
13 imprisonment authorized for the section violated or 93 days,  
14 whichever is greater.

15 (b) Community service for not more than 100 hours.

16 (c) A fine of not more than \$2,000.00 or the maximum fine  
17 authorized for the section violated, whichever is greater.

18 (3) Subsections (1) and (2) do not apply to conduct proscribed  
19 under a section enumerated in those subsections to the extent that  
20 the proscribed conduct is otherwise exempted or authorized under  
21 this chapter.

22 (4) Except as provided in subsection (5), an individual who  
23 possesses a weapon in a weapon free school zone is guilty of a  
24 misdemeanor punishable by 1 or more of the following:

25 (a) Imprisonment for not more than 93 days.

26 (b) Community service for not more than 100 hours.

27 (c) A fine of not more than \$2,000.00.

28 (5) Subsection (4) does not apply to any of the following:

29 (a) An individual employed by or contracted by a school if the

1 possession of that weapon is to provide security services for the  
2 school.

3 (b) A peace officer.

4 (c) An individual licensed by this state or another state to  
5 carry a concealed weapon.

6 (d) An individual who possesses a weapon provided by a school  
7 or a school's instructor on school property for purposes of  
8 providing or receiving instruction in the use of that weapon.

9 (e) An individual who possesses a firearm on school property  
10 if that possession is with the permission of the school's principal  
11 or an agent of the school designated by the school's principal or  
12 the school board.

13 (f) An individual who is ~~18~~**21** years of age or older who is  
14 not a student at the school and who possesses a firearm on school  
15 property while transporting a student to or from the school if any  
16 of the following apply:

17 (i) The individual is carrying an antique firearm, completely  
18 unloaded, in a wrapper or container in the trunk of a vehicle while  
19 en route to or from a hunting or target shooting area or function  
20 involving the exhibition, demonstration or sale of antique  
21 firearms.

22 (ii) The individual is carrying a firearm unloaded in a wrapper  
23 or container in the trunk of the ~~person's~~**individual's** vehicle,  
24 while in possession of a valid Michigan hunting license or proof of  
25 valid membership in an organization having shooting range  
26 facilities, and while en route to or from a hunting or target  
27 shooting area.

28 (iii) The individual is carrying a firearm unloaded in a wrapper  
29 or container in the trunk of the individual's vehicle from the

1 place of purchase to ~~his or her~~ **the individual's** home or place of  
2 business or to a place of repair or back to ~~his or her~~ **the**  
3 **individual's** home or place of business, or in moving goods from one  
4 place of abode or business to another place of abode or business.

5 (iv) The individual is carrying an unloaded firearm in the  
6 passenger compartment of a vehicle that does not have a trunk, if  
7 the individual is otherwise complying with the requirements of  
8 subparagraph (ii) or (iii) and the wrapper or container is not readily  
9 accessible to the occupants of the vehicle.

10 (6) As used in this section:

11 (a) "Antique firearm" means either of the following:

12 (i) A firearm not designed or redesigned for using rimfire or  
13 conventional center fire ignition with fixed ammunition and  
14 manufactured in or before 1898, including a matchlock, flintlock,  
15 percussion cap, or similar type of ignition system or a replica of  
16 such a firearm, whether actually manufactured before or after the  
17 year 1898.

18 (ii) A firearm using fixed ammunition manufactured in or before  
19 1898, for which ammunition is no longer manufactured in the United  
20 States and is not readily available in the ordinary channels of  
21 commercial trade.

22 (b) "School" means a public, private, denominational, or  
23 parochial school offering developmental kindergarten, kindergarten,  
24 or any grade from 1 through 12.

25 (c) "School property" means a building, playing field, or  
26 property used for school purposes to impart instruction to children  
27 or used for functions and events sponsored by a school, except a  
28 building used primarily for adult education or college extension  
29 courses.

1 (d) "Weapon" includes, but is not limited to, a pneumatic gun.

2 (e) "Weapon free school zone" means school property and a  
3 vehicle used by a school to transport students to or from school  
4 property.