



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bills 963 through 966 (as introduced 6-2-14)

Sponsor: Senator Dave Hildenbrand (S.B. 963)

Senator Phil Pavlov (S.B. 964)

Senator Joe Hune (S.B. 965)

Senator Rick Jones (S.B. 966)

Committee: Judiciary

Date Completed: 6-10-14

**CONTENT**

**Senate Bill 963 would amend the handgun licensure law to do the following:**

- **Prohibit a person less than 18 years of age from possessing a weapon that fires a projectile by means of spring, air, or gas unless he or she were accompanied by an adult or had a hunting license.**
- **Prescribe a civil infraction fine for a violation.**
- **Revise the definition of "firearm" to refer to a weapon that propels a dangerous projectile by means of an explosive, but not by means of spring, gas, or air.**

**Senate Bills 964, 965, and 966 would amend various statutes to revise the definition of "firearm", making it consistent with the definition proposed by Senate Bill 963.**

Senate Bill 964 would amend the Revised Statutes of 1846; Senate Bill 965 would amend the Michigan Penal Code; and Senate Bill 966 would amend the Natural Resources and Environmental Protection Act (NREPA).

**Senate Bill 963**

The bill would prohibit a person under 18 from possessing a weapon designed and manufactured to fire a projectile by means of spring, gas, or air unless he or she were accompanied by a person who was at least 18 or he or she possessed a hunting license. A person who violated this provision would be responsible for a State civil infraction and could be fined up to \$100.

The handgun licensure law defines "firearm" as a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. The term does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by a spring, gas, or air. Under the bill, "firearm" instead would mean a weapon from which a dangerous projectile may be propelled by an explosive. The term would not include a weapon designed and manufactured to fire a projectile by spring, gas, or air.

**Senate Bill 964**

Chapter 1 of the Revised Statutes of 1846 defines certain terms used in the Michigan

compiled laws. The term "firearm", except as otherwise specifically defined in statutes, includes any weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion, except for any smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by means of spring, gas, or air.

Under Senate Bill 964, except as otherwise specifically defined in statute, "firearm" instead would include any weapon from which a dangerous projectile may be propelled by an explosive, but the term would not include any weapon designed and manufactured to fire a projectile by means of spring, gas, or air.

### **Senate Bill 965**

Under Chapter 37 (Firearms) of the Michigan Penal Code, "firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. The term does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by a spring, or by gas or air. Under the bill, Chapter 37 instead would define "firearm" as a weapon from which a dangerous projectile may be propelled by an explosive. The term would not include a weapon designed and manufactured to fire a projectile by a spring, gas, or air.

Under Chapter 77 (Riots and Unlawful Assemblies) of the Penal Code, Section 528a prohibits a person from teaching or demonstrating to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if the person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder. Section 528a also prohibits a person from assembling with one or more other people for the purpose of training with, practicing with, or being instructed in the use of any firearm, or any explosive or incendiary device, if he or she intends to use the firearm or device in, or in furtherance of, a civil disorder.

Section 528a defines "firearm" as any weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion; any weapon that may be readily converted to expel any projectile by the action of an explosive, or the frame or receiver of such a firearm or weapon, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by means of spring, gas, or air.

Under the bill, as used in Section 528a, "firearm" instead would mean any weapon from which a dangerous projectile may be propelled by an explosive; any weapon that may be readily converted to expel any projectile by an explosive, or the frame or receiver of such a weapon, except any firearm designed and manufactured to fire a projectile by means of spring, gas, or air.

### **Senate Bill 966**

Part 401 (Wildlife Conservation) of NREPA defines "firearm" as a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air. The term does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by means of a spring, air, or gas.

Part 435 (Hunting and Fishing Licensing) defines "firearm" as a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. The term does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by means of a spring, air, or gas.

Under the bill, Parts 401 and 435 instead would define "firearm" as a weapon from which a dangerous projectile may be propelled by an explosive. The term would not include a weapon designed and manufactured to fire a projectile by means of a spring, air, or gas.

MCL 28.421 (S.B. 963)

8.3t (S.B. 964)

750.222 & 750.528a (S.B. 965)

324.40102 & 324.43503 (S.B. 966)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

### **Senate Bills 963, 964, and 965**

The bills would modify statutory definitions of "firearm" to exclude those weapons that fire a projectile by spring, gas, or air. Relative to current law, there could be a decrease in the number of firearm offenses that relate to weapons that fire a projectile by spring, gas, or air.

Also, under Senate Bill 963, there could be a possible increase in civil infraction revenue if there were infractions in which an individual under 18 possessed a weapon that fired by spring, gas, or air and did not have a hunting license or was unaccompanied by an individual at least 18 years of age. Any associated fine revenue would be provided to public libraries. There would be no fiscal impact on local government.

### **Senate Bill 966**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell  
Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.