

**SUBSTITUTE FOR
SENATE BILL NO. 965**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 222 and 528a (MCL 750.222 and 750.528a),
section 222 as amended by 2012 PA 242 and section 528a as added by
1986 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 222. As used in this chapter:

2 (a) "Alcoholic liquor" means that term as defined in section
3 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
4 436.1105.

5 (b) "Barrel length" means the internal length of a firearm as
6 measured from the face of the closed breech of the firearm when it
7 is unloaded, to the forward face of the end of the barrel.

8 (c) "Controlled substance" means a controlled substance or
9 controlled substance analogue as those terms are defined in section

1 7104 of the public health code, 1978 PA 368, MCL 333.7104.

2 (d) "Firearm" means ~~a ANY weapon from which a dangerous WILL,~~
3 **IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile
4 ~~may be propelled by ACTION OF~~ an explosive. ~~, or by gas or air.~~
5 ~~Firearm does not include a smooth bore rifle or handgun designed~~
6 ~~and manufactured exclusively for propelling by a spring, or by gas~~
7 ~~or air, BBs not exceeding .177 caliber.~~

8 (e) "Pistol" means a loaded or unloaded firearm that is 26
9 inches or less in length, or a loaded or unloaded firearm that by
10 its construction and appearance conceals itself as a firearm.

11 (f) "Purchaser" means a person who receives a pistol from
12 another person by purchase, gift, or loan.

13 (g) "Seller" means a person who sells, furnishes, loans, or
14 gives a pistol to another person.

15 (h) "Shotgun" means a firearm designed or redesigned, made or
16 remade, and intended to be fired from the shoulder and designed or
17 redesigned and made or remade to use the energy of the explosive in
18 a fixed shotgun shell to fire through a smooth bore either a number
19 of ball shot or a single projectile for each single function of the
20 trigger.

21 (i) "Short-barreled shotgun" means a shotgun having 1 or more
22 barrels less than 18 inches in length or a weapon made from a
23 shotgun, whether by alteration, modification, or otherwise, if the
24 weapon as modified has an overall length of less than 26 inches.

25 (j) "Rifle" means a firearm designed or redesigned, made or
26 remade, and intended to be fired from the shoulder and designed or
27 redesigned and made or remade to use the energy of the explosive in

1 a fixed metallic cartridge to fire only a single projectile through
2 a rifled bore for each single pull of the trigger.

3 (k) "Short-barreled rifle" means a rifle having 1 or more
4 barrels less than 16 inches in length or a weapon made from a
5 rifle, whether by alteration, modification, or otherwise, if the
6 weapon as modified has an overall length of less than 26 inches.

7 Sec. 528a. (1) As used in this section:

8 (a) "Civil disorder" means any public disturbance involving
9 the use of any firearm, explosive, or incendiary device by 3 or
10 more assembled persons which causes an immediate danger to, or
11 which results in damage or injury to, any property or person.

12 (b) "Explosive or incendiary device" means:

13 (i) Dynamite, gunpowder, or other similarly explosive
14 substance.

15 (ii) Any bomb, grenade, missile, or similar device designed to
16 expand suddenly and release internal energy resulting in an
17 explosion.

18 (iii) Any incendiary bomb or grenade, fire bomb, or similar
19 device designed to ignite, including any device which consists of
20 or includes a breakable container containing a flammable liquid or
21 compound and a wick composed of any material which, if ignited, is
22 capable of igniting the flammable liquid or compound; and which may
23 be carried or thrown by a person.

24 (c) "Firearm" means any weapon ~~from which a dangerous~~ **WILL, IS**
25 **DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile ~~may~~
26 ~~be propelled by using explosives, gas, or air as a means of~~
27 ~~propulsion; any weapon which may be readily converted to expel any~~

1 ~~projectile by the action of an explosive, or the frame or receiver~~
2 ~~of such a firearm or weapon, except any smooth bore rifle or~~
3 ~~handgun designed and manufactured exclusively for propelling BB's~~
4 ~~not exceeding .177 caliber by means of spring, gas, or air.~~**BY**

5 **ACTION OF AN EXPLOSIVE.**

6 (d) "Law enforcement officer" means any of the following:

7 (i) Every sheriff or sheriff's deputy; village marshal or
8 township constable; officer of the police department of any city,
9 village, or township; any officer of the Michigan state police; or
10 any peace officer who is trained and certified ~~pursuant to Act No.~~
11 ~~203 of the Public Acts of 1965, being sections 28.601 to 28.616 of~~
12 ~~the Michigan Compiled Laws.~~**UNDER THE COMMISSION ON LAW ENFORCEMENT**
13 **STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616.**

14 (ii) Any officer or employee of the United States, its
15 possessions, or territories who is authorized to enforce the laws
16 of the United States, its possessions, or its territories.

17 (iii) Any member of the national guard, coast guard, military
18 reserve, or the armed forces of the United States when acting in
19 his or her official capacity.

20 (2) A person shall not teach or demonstrate to another person
21 the use, application, or construction of any firearm, or any
22 explosive or incendiary device, if that person knows, has reason to
23 know, or intends that what is taught or demonstrated will be used
24 in, or in furtherance of, a civil disorder.

25 (3) A person shall not assemble with 1 or more persons for the
26 purpose of training with, practicing with, or being instructed in
27 the use of any firearm, or any explosive or incendiary device, if

1 that person intends to use such a firearm or device in, or in
2 furtherance of, a civil disorder.

3 (4) This section shall not apply to any act of a law
4 enforcement officer ~~which~~ **THAT** is performed in the lawful
5 performance of his or her official duties as a law enforcement
6 officer, or any activity of any hunting club, rifle club, rifle
7 range, pistol range, shooting range, or other program or individual
8 instruction intended to teach the safe handling or use of firearms,
9 archery equipment, or other weapons or techniques employed in
10 connection with lawful sports, self-defense, or other lawful
11 activities.

12 (5) A person who violates this section is guilty of a felony.
13 Enacting section 1. This amendatory act takes effect January
14 1, 2015.