

# SENATE BILL No. 965

June 2, 2014, Introduced by Senators HUNE, HILDENBRAND, PAVLOV and JONES and referred to the Committee on Judiciary.

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 weapon from which a dangerous projectile  
3 may be propelled by an explosive. ~~, or by gas or air.~~ Firearm does  
4 not include a ~~smooth bore rifle or handgun~~ **WEAPON** designed and  
5 manufactured ~~exclusively for propelling~~ **TO FIRE A PROJECTILE** by a  
6 spring, ~~or by gas,~~ or air. ~~, BBs not exceeding .177 caliber.~~

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

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

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

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

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

24 (j) "Rifle" means a firearm designed or redesigned, made or  
25 remade, and intended to be fired from the shoulder and designed or  
26 redesigned and made or remade to use the energy of the explosive in  
27 a fixed metallic cartridge to fire only a single projectile through

1 a rifled bore for each single pull of the trigger.

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

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

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

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

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

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

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

23 (c) "Firearm" means any weapon from which a dangerous  
24 projectile may be propelled by ~~using explosives, gas, or air as a~~  
25 ~~means of propulsion; **AN EXPLOSIVE**;~~ any weapon which may be readily  
26 converted to expel any projectile by ~~the action of an explosive,~~ or  
27 the frame or receiver of such a ~~firearm or weapon,~~ except any

1 ~~smooth bore rifle or handgun~~ **FIREARM** designed and manufactured  
2 ~~exclusively for propelling BB's not exceeding .177 caliber~~ **TO FIRE**  
3 **A PROJECTILE** by means of spring, gas, or air.

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

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

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

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

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

23 (3) A person shall not assemble with 1 or more persons for the  
24 purpose of training with, practicing with, or being instructed in  
25 the use of any firearm, or any explosive or incendiary device, if  
26 that person intends to use such a firearm or device in, or in  
27 furtherance of, a civil disorder.

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

9           (5) A person who violates this section is guilty of a felony.