

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4156**

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 1 (MCL 28.421), as amended by 2015 PA 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) As used in this act:
- 2 (a) "Felony" means, except as otherwise provided in this
- 3 subdivision, that term as defined in section 1 of chapter I of the
- 4 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation

1 of a law of the United States or another state that is designated
2 as a felony or that is punishable by death or by imprisonment for
3 more than 1 year. Felony does not include a violation of a penal
4 law of this state that is expressly designated as a misdemeanor.

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

11 (c) "Firearms records" means any form, information, or record
12 required for submission to a government agency under sections 2,
13 2a, 2b, and 5b, or any form, permit, or license issued by a
14 government agency under this act.

15 (d) "Misdemeanor" means a violation of a penal law of this
16 state or violation of a local ordinance substantially corresponding
17 to a violation of a penal law of this state that is not a felony or
18 a violation of an order, rule, or regulation of a state agency that
19 is punishable by imprisonment or a fine that is not a civil fine,
20 or both.

21 (e) "Peace officer" means, except as otherwise provided in
22 this act, an individual who is employed as a law enforcement
23 officer, as that term is defined under section 2 of the commission
24 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
25 state or another state, a political subdivision of this state or
26 another state, or the United States, and who is required to carry a
27 firearm in the course of his or her duties as a law enforcement

1 officer.

2 (f) "Pistol" means a loaded or unloaded firearm that is 26
3 inches or less in length, or a loaded or unloaded firearm that by
4 its construction and appearance conceals it as a firearm.

5 (g) "Purchaser" means a person who receives a pistol from
6 another person by purchase or gift.

7 (h) "Reserve peace officer", "auxiliary officer", or "reserve
8 officer" means, except as otherwise provided in this act, an
9 individual authorized on a voluntary or irregular basis by a duly
10 authorized police agency of this state or a political subdivision
11 of this state to act as a law enforcement officer, who is
12 responsible for the preservation of the peace, the prevention and
13 detection of crime, and the enforcement of the general criminal
14 laws of this state, and who is otherwise eligible to possess a
15 firearm under this act.

16 (i) "Retired federal law enforcement officer" means an
17 individual who was an officer or agent employed by a law
18 enforcement agency of the United States government whose primary
19 responsibility was enforcing laws of the United States, who was
20 required to carry a firearm in the course of his or her duties as a
21 law enforcement officer, and who retired in good standing from his
22 or her employment as a federal law enforcement officer.

23 (j) "Retired police officer" or "retired law enforcement
24 officer" means an individual who was a police officer or law
25 enforcement officer who was certified as described under section 9a
26 of the commission on law enforcement standards act, 1965 PA 203,
27 MCL 28.609a, and retired in good standing from his or her

1 employment as a police officer or law enforcement officer. A police
2 officer or law enforcement officer retired in good standing if he
3 or she receives a pension or other retirement benefit for his or
4 her service as a police officer or law enforcement officer or
5 actively maintained a Michigan commission on law enforcement
6 standards or equivalent state certification for 10 or more
7 consecutive years.

8 (k) "Seller" means a person who sells or gives a pistol to
9 another person.

10 (l) "State court judge" means a judge of the district court,
11 circuit court, probate court, or court of appeals or justice of the
12 supreme court of this state who is serving either by election or
13 appointment.

14 (m) "State court retired judge" means a judge or justice
15 described in subdivision (l) who is retired, or a retired judge of
16 the recorders court.

17 (2) A person may lawfully own, possess, carry, or transport as
18 a pistol a firearm greater than 26 inches in length if all of the
19 following conditions apply:

20 (a) The person registered the firearm as a pistol under
21 section 2 or 2a before January 1, 2013.

22 (b) The person who registered the firearm as described in
23 subdivision (a) has maintained registration of the firearm since
24 January 1, 2013 without lapse.

25 (c) The person possesses a copy of the license or record
26 issued to him or her under section 2 or 2a.

27 (3) A person who satisfies all of the conditions listed under

1 subsection (2) nevertheless may elect to have the firearm not be
2 considered to be a pistol. A person who makes the election under
3 this subsection shall notify the department of state police of the
4 election in a manner prescribed by that department.

5 Enacting section 1. This amendatory act takes effect July 1,
6 2015.

7 Enacting section 2. This amendatory act does not take effect
8 unless all of the following bills of the 98th Legislature are
9 enacted into law:

10 (a) Senate Bill No. 85.

11 (b) House Bill No. 4151.

12 (c) House Bill No. 4152.

13 (d) House Bill No. 4153.

14 (e) House Bill No. 4154.

15 (f) House Bill No. 4155.