

# SENATE BILL No. 85

February 10, 2015, Introduced by Senator HILDENBRAND and referred to the Committee on Judiciary.

A bill to amend 1990 PA 319, entitled

"An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms,"

by amending the title and sections 1, 2, 3, and 4 (MCL 123.1101, 123.1102, 123.1103, and 123.1104).

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

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TITLE

An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, ~~or~~ other firearms, **OR PNEUMATIC GUNS**, ammunition for pistols or other firearms, or components of pistols or other firearms.

Sec. 1. As used in this act:

1           (A) "FIREARM" MEANS ANY WEAPON WHICH WILL, IS DESIGNED TO, OR  
2 MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY ACTION OF AN  
3 EXPLOSIVE.

4           (B) ~~(a)~~-"Local unit of government" means a city, village,  
5 township, or county.

6           (C) ~~(b)~~-"Pistol" means that term as defined in section 222 of  
7 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
8 ~~being section 750.222 of the Michigan Compiled Laws.1931 PA 328,~~  
9 MCL 750.222.

10           (D) "PNEUMATIC GUN" MEANS ANY IMPLEMENT, DESIGNED AS A GUN,  
11 THAT WILL EXPEL A BB OR PELLET BY SPRING, GAS, OR AIR. PNEUMATIC  
12 GUN INCLUDES A PAINTBALL GUN THAT EXPELS BY PNEUMATIC PRESSURE  
13 PLASTIC BALLS FILLED WITH PAINT FOR THE PURPOSE OF MARKING THE  
14 POINT OF IMPACT.

15           Sec. 2. A local unit of government shall not impose special  
16 taxation on, enact or enforce any ordinance or regulation  
17 pertaining to, or regulate in any other manner the ownership,  
18 registration, purchase, sale, transfer, transportation, or  
19 possession of pistols, ~~or~~ other firearms, **OR PNEUMATIC GUNS,**  
20 ammunition for pistols or other firearms, or components of pistols  
21 or other firearms, except as otherwise provided by federal law or a  
22 law of this state.

23           Sec. 3. This act does not prohibit a local unit of government  
24 from doing either ~~ANY~~ of the following:

25           (a) Prohibiting or regulating conduct with a pistol, ~~or~~ other  
26 firearm, **OR PNEUMATIC GUN** that is a criminal offense under state  
27 law.

1 (b) Prohibiting or regulating the transportation, carrying, or  
2 possession of pistols, ~~and~~ other firearms, OR PNEUMATIC GUNS by  
3 employees of that local unit of government in the course of their  
4 employment with that local unit of government.

5 (C) REGULATING THE POSSESSION OF PNEUMATIC GUNS WITHIN THE  
6 LOCAL UNIT OF GOVERNMENT BY REQUIRING THAT AN INDIVIDUAL BELOW THE  
7 AGE OF 16 WHO IS IN POSSESSION OF A PNEUMATIC GUN BE UNDER THE  
8 SUPERVISION OF A PARENT, A GUARDIAN, OR AN INDIVIDUAL 18 YEARS OF  
9 AGE OR OLDER, EXCEPT THAT AN ORDINANCE SHALL NOT REGULATE  
10 POSSESSION OF A PNEUMATIC GUN ON OR WITHIN PRIVATE PROPERTY IF THE  
11 INDIVIDUAL BELOW THE AGE OF 16 IS AUTHORIZED BY A PARENT OR  
12 GUARDIAN AND THE PROPERTY OWNER OR LEGAL POSSESSOR TO POSSESS THE  
13 PNEUMATIC GUN.

14 (D) PROHIBITING AN INDIVIDUAL FROM POINTING, WAVING ABOUT, OR  
15 DISPLAYING A PNEUMATIC GUN IN A THREATENING MANNER WITH THE INTENT  
16 TO INDUCE FEAR IN ANOTHER INDIVIDUAL.

17 Sec. 4. This act does not prohibit a city or a charter  
18 township from ~~prohibiting~~ DOING ANY OF THE FOLLOWING:

19 (A) PROHIBITING the discharge of a pistol or other firearm  
20 within the jurisdiction of that city or charter township.

21 (B) PROHIBITING THE DISCHARGE OF PNEUMATIC GUNS IN ANY AREA  
22 WITHIN THE JURISDICTION OF THE CITY OR CHARTER TOWNSHIP THAT IS SO  
23 HEAVILY POPULATED AS TO MAKE THAT CONDUCT DANGEROUS TO THE  
24 INHABITANTS OF THAT AREA, EXCEPT THAT AN ORDINANCE SHALL NOT  
25 PROHIBIT THE DISCHARGE OF PNEUMATIC GUNS AT AUTHORIZED TARGET  
26 RANGES, ON OTHER PROPERTY WHERE FIREARMS MAY BE DISCHARGED, OR ON  
27 OR WITHIN PRIVATE PROPERTY WITH THE PERMISSION OF THE OWNER OR

1 POSSESSOR OF THAT PROPERTY IF CONDUCTED WITH REASONABLE CARE TO  
2 PREVENT A PROJECTILE FROM CROSSING THE BOUNDS OF THE PROPERTY.

3 Enacting section 1. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.