

A bill to amend Chapter XXVII of the penal law by amending Sections 750.222, 750.224f, 750.234d, 750.238a, 750.239, and by adding Sections 750.224g, 750.240 and 750.241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 222. As used in this chapter:

- (a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.
- (b) "Barrel length" means the internal length of a firearm as measured from the face of the closed breech of the firearm when it is unloaded, to the forward face of the end of the barrel.
- (c) "Brandish" means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.
- (d) "Controlled substance" means a controlled substance or controlled substance analogue as those terms are defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.
- (e) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
- (f) "Pistol" means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.
- (g) "Pneumatic gun" means that term as defined in section 1 of 1990 PA 319, MCL 123.1101.
- (h) "Purchaser" means a person who receives a ~~pistol~~ firearm from another person by purchase, gift, or loan.
- (i) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (j) "Seller" means a person who sells, furnishes, loans, or gives a ~~pistol~~ firearm to another person.
- (k) "Short-barreled rifle" means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

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

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

(n) "Ghost gun" means a firearm, or any major component thereof, including a frame or receiver, that lacks a unique and identifiable serial number engraved on the frame or receiver. This includes any unfinished frame or receiver, undetectable firearm, or any firearm that is manufactured wholly of plastic, fiberglass, or through a 3D printing process.

(o) "Major component" means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm.

(p) "Unfinished frame or receiver" means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.

(q) "Undetectable firearm" means any firearm that, after removal of all parts other than a major component, is not detectable as a firearm by walk-through metal detectors used at airports or other public buildings.

(r) "Permanently inoperable" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being restored to a firing condition.

(s) "Serialized" means bearing a unique and visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to 18 U.S.C. § 923(i) and regulations issued pursuant thereto in effect at the time of assembly.

(t) "3D printing process" means manufacturing which is a process of making three (3) dimensional solid objects from a computer file and shall include any of various processes in which material is joined or solidified under computer control to create a three (3) dimensional object, with material being added together including liquid molecules or powder grains.

(u) "Antique firearm" as used in this section is consistent with the federal definition of an antique firearm in 18 U.S.C. § 921(a)(16).

(v) “State capitol” means the State Capitol Building or on the grounds of the State Capitol Building located at 100 N Capitol Avenue in Lansing, Michigan.

(w) “Government building” means a building, part of a building, or premises thereof owned or leased by the State or local government and exclusively occupied by the State or local government.

(x) “Federally licensed firearms dealer” means a person licensed to sell firearms under 18 U.S.C. § 923.

Sec. 224f.

(1) Except as provided in subsection (2), a person convicted of a felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until the expiration of 3 years after all of the following circumstances exist:

- (a) The person has paid all fines imposed for the violation.
- (b) The person has served all terms of imprisonment imposed for the violation.
- (c) The person has successfully completed all conditions of probation or parole imposed for the violation.

(2) A person convicted of a specified felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until all of the following circumstances exist:

- (a) The expiration of 5 years after all of the following circumstances exist:
 - (i) The person has paid all fines imposed for the violation.
 - (ii) The person has served all terms of imprisonment imposed for the violation.
 - (iii) The person has successfully completed all conditions of probation or parole imposed for the violation.
- (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm has been restored under section 4 of 1927 PA 372, MCL 28.424.

(3) Except as provided in subsection (4), a person convicted of a felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until the expiration of 3 years after all of the following circumstances exist:

- (a) The person has paid all fines imposed for the violation.
- (b) The person has served all terms of imprisonment imposed for the violation.

- (c) The person has successfully completed all conditions of probation or parole imposed for the violation.
- (4) A person convicted of a specified felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until all of the following circumstances exist:
 - (a) The expiration of 5 years after all of the following circumstances exist:
 - (i) The person has paid all fines imposed for the violation.
 - (ii) The person has served all terms of imprisonment imposed for the violation.
 - (iii) The person has successfully completed all conditions of probation or parole imposed for the violation.
 - (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute ammunition has been restored under section 4 of 1927 PA 372, MCL 28.424.
- (5) A person convicted of a misdemeanor involving domestic violence shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition in this state until the expiration of 8 years after all of the following circumstances exist:
 - (a) The person has paid all fines imposed for the violation.
 - (b) The person has served all terms of imprisonment imposed for the violation.
 - (c) The person has successfully completed all conditions of probation imposed for the violation.
- (6) A person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.
- (7) A person who possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.
- (8) Any single criminal transaction where a person possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section, regardless of the amount of ammunition involved, constitutes 1 offense.
- (9) This section does not apply to a conviction that has been expunged or set aside, or for which the person has been pardoned, unless the expunction, order, or pardon expressly provides that the person shall not possess a firearm or ammunition.
- (10) As used in this section:

(a) "Ammunition" means any projectile that, in its current state, may be expelled from a firearm by an explosive.

(b) "Felony" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for a term exceeding 1 year, or an attempt to violate such a law.

(c) "Misdemeanor involving domestic violence" means a violation of any of the following:

(i) Section 81(2).

(ii) Section 81(4) if both the violation of section 81(4) and the previous conviction were for assaulting or assaulting and battering an individual described in section 81(2).

(iii) Section 81a(2).

(iv) Section 115(2).

(v) Section 145n(5).

(vi) Section 377a(1)(d) or (f).

(vii) Section 380(5) or (7).

(viii) Section 411h(2)(c).

(ix) Section 540e(1)(h).

(x) An ordinance, a law of another state, or a law of the United States that substantially corresponds to a violation listed in subparagraphs (i) to (ix).

(xi) An ordinance, a law of another state, or a law of the United States that is specifically designated as domestic violence.

(d) "Specified felony" means a felony in which 1 or more of the following circumstances exist:

(i) An element of that felony is the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(ii) An element of that felony is the unlawful manufacture, possession, importation, exportation, distribution, or dispensing of a controlled substance.

(iii) An element of that felony is the unlawful possession or distribution of a firearm.

(iv) An element of that felony is the unlawful use of an explosive.

(v) The felony is burglary of an occupied dwelling, breaking and entering an occupied dwelling, or arson.

(11) A person prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm or ammunition because of a conviction for a felony, specified felony, or misdemeanor involving domestic violence under this section shall surrender to the state or local police any and all firearms owned or possessed within forty-eight (48) hours of the conviction, in accordance with Sec. 224g.

Sec. 224g. Procedure for the surrender of firearms upon conviction for a felony, specified felony, or misdemeanor involving domestic violence.

(1) Upon judgment of conviction for a felony, specified felony, or misdemeanor involving domestic violence as defined in Sec. 750.224f, the court shall order the defendant to surrender all firearms owned by the person or in the person's possession as described in this section to the state or local police.

(a) The court ordering the surrender of firearms shall immediately notify the state and local police of such action.

(b) Surrender shall be made within forty-eight (48) hours of conviction to the Michigan state police or local police department, unless the court determines a reasonable extension is necessary for compliance. A person who is incarcerated may designate a person, with their permission and the permission of the court, to surrender the firearm on their behalf in accordance with this section.

(c) A person transporting a firearm to surrender in accordance with this section shall not be liable to prosecution under this section.

(d) The state or local police taking possession of a surrendered firearm shall issue a proof of surrender to the person surrendering the firearm. The proof of surrender shall include the name of the person surrendering the weapon, the date of surrender, and the serial number, manufacturer, and model of all surrendered firearms.

(e) The defendant shall, within seventy-two (72) hours of conviction, either:

(i) File a copy of the proof of surrender with the court of jurisdiction, and attest that all firearms owned or possessed by the person at the time of conviction have been surrendered in accordance with this section; or

(ii) Attest that the person neither owns nor possesses any firearm.

(f) The state or local police department that receives a surrendered firearm shall securely store the firearm for the duration of the time the person is prohibited from possessing a firearm. A person who is subject to a surrender order may at any time during the prohibition request that the firearm be sold, in which case, the police department may sell the firearm to a licensed firearm dealer, and the money from such sale shall be given to the previous owner. If not sold at their request, the person subject to surrender under this section may recover a surrendered firearm after prohibition has ended. A firearm that remains in police custody for more than three (3) years after the owner's possession rights have been restored will be deemed abandoned, and the police department shall follow the procedures set forth in Sec. 750.239 for disposition of seized weapons.

(g) The Michigan state police are authorized to develop rules, regulations and procedures pertaining to the storage of firearms that are surrendered pursuant to this section. Law enforcement agencies and departments shall observe due care in the receipt and storage of any firearm surrendered pursuant to this section.

(h) A person subject to a surrender order under this section commits a misdemeanor if the person intentionally or knowingly fails to relinquish a firearm to state or local police in accordance with this section.

(i) If a law enforcement officer has reasonable suspicion to believe that a person subject to a surrender order has lied about their possession of firearms, or possesses a firearm that has not been relinquished in accordance with this section, a court may grant a warrant to search and seize such weapons. Reasonable suspicion may be based upon, but is not limited to, a report from a family member, friend, colleague, neighbor, or acquaintance of the person subject to the surrender order.

Sec. 234d.

(1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:

- (a) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- (b) A church or other house of religious worship.
- (c) A court.

- (d) A theatre.
 - (e) A sports arena.
 - (f) A day care center.
 - (g) A hospital.
 - (h) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 463.58 of the Michigan Compiled Laws.
 - (i) The state capitol.
 - (j) A government building.
 - (k) Within 100 feet of a place where a public assembly, demonstration, or protest during the conduct of such assembly, demonstration, or protest, provided that such location is identified as such by clear and conspicuous signage.
- (2) This section does not apply to any of the following:
- (a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of the firearm is to provide security services for that entity.
 - (b) A peace officer.
 - (c) A person licensed by this state or another state to carry a concealed weapon if such person enters the restricted area unintentionally, or if such person reasonably does not know that the area is restricted.
 - (d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity, the person is otherwise legally eligible to possess such firearm, and the possession of the firearm is to provide licensed security services for that entity.
- (3) A person who knowingly carries or possesses a firearm in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than ~~\$100.00~~ \$500.00, or both.
- (4) Any person applying for a permit for a public assembly, demonstration, or protest, shall be instructed by the issuing authority that the location of the public assembly, demonstration, or protest will be a firearm restricted area, and that anyone carrying or possessing a firearm is in violation of the law. The issuing authority may impose reasonable requests upon the organizers to display clear and conspicuous signage identifying the area as a firearm-restricted sensitive location during the event.

Sec. 238a.

(1) A law enforcement agency that seizes or otherwise comes into possession of a firearm or part of a firearm subject to disposal under Section 239 may, instead of forwarding the firearm or part of a firearm to the director of the department of state police or his or her designated representative for disposal under that section, retain that firearm or part of a firearm, if the serial number of the firearm or part of a firearm is identifiable, for the following purposes:

(a) For legal sale or trade to federally licensed firearm dealer. The proceeds from any sale or trade under this subdivision shall be used by the law enforcement agency only for law enforcement purposes. The law enforcement agency shall not sell or trade a firearm or part of a firearm under this subdivision to any individual who is a member of that law enforcement agency unless the individual is a federally licensed firearms dealer and the sale is made pursuant to a public auction.

(b) For official use by members of the seizing law enforcement agency who are employed as peace officers. A firearm or part of a firearm shall not be sold under this subdivision.

(2) A law enforcement agency that sells or trades any ~~pistol~~ firearm to a licensed dealer under subsection (1)(a) or retains any ~~pistol~~ firearm under subsection (1)(b) shall complete a record of the transaction under section 2 or section 2a, as applicable.

(3) A law enforcement agency that sells or trades a firearm or part of a firearm under this section shall retain a receipt of the sale or trade for a period of not less than 7 years. The law enforcement agency shall make all receipts retained under this subsection available for inspection by the department of state police upon demand and for auditing purposes by the state and the local unit of government of which the agency is a part. The receipt shall include identifying information, including the serial number of the firearm or part of a firearm.

(4) Before disposing of a firearm under this section, the law enforcement agency shall do both of the following:

(a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the law enforcement agency shall provide 30 days' written notice of its intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. If the

police agency determines that a serial number has been altered or has been removed or obliterated from the firearm, the police agency shall submit the firearm to the department of state police or a forensic laboratory for serial number verification or restoration to determine legal ownership.

(b) Provide 30 days' notice to the public on a website maintained by the law enforcement agency of its intent to dispose of the firearm under this section. The notice shall include a description of the firearm and shall state the firearm's serial number, if the serial number can be determined. The law enforcement agency shall allow the owner of the firearm to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a).

(5) The law enforcement agency is immune from civil liability for disposing of a firearm or firearm part in compliance with this section.

(6) As used in this section, “law enforcement agency” means any agency that employs peace officers.

(7) This section does not apply when a law enforcement agency seizes or otherwise comes into possession of a ghost gun. Law enforcement shall not retain, sell, trade, or use ghost guns that come into their possession. All ghost guns seized or otherwise obtained by law enforcement must be destroyed in accordance with Section 740.239(4).

Sec. 239.

(1) Except as provided in subsection (2) and subject to section 239a, all pistols, weapons, or devices carried, possessed, or used contrary to this chapter are forfeited to the state and shall be turned over to the department of state police for disposition as determined appropriate by the director of the department of state police or his or her designated representative.

(2) The director of the department of state police shall dispose of firearms under this section 1 by one of the following methods:

(a) By conducting a public auction in which firearms received under this section may be purchased at a sale conducted in compliance with section 3708 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4708, by individuals authorized by law to possess those firearms, if the serial number of the firearm is identifiable. If no serial number can be determined, the firearm cannot be auctioned and must be destroyed.

(b) By destroying them.

(c) By any other lawful manner prescribed by the director of the department of state police.

(3) Before disposing of a firearm under this section, the director of the department of state police shall do both of the following:

(a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the director of the department of state police shall provide 30 days' written notice of his or her intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if he or she is authorized to possess the firearm.

(b) Provide 30 days' notice to the public on the department of state police website of his or her intent to dispose of the firearm under this section. The notice shall include a description of the firearm and shall state the firearm's serial number, ~~if the serial number can be determined~~. The department of state police shall allow the owner of the firearm to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a).

(4) Any ghost gun forfeited to the state must be destroyed.

Sec. 240. Manufacture, assembly, and sale of ghost guns.

(1) No person shall manufacture, assemble, sell, offer to sell, transfer, or purchase a ghost gun.

(2) This subsection shall not apply to any firearm that:

(a) Has been rendered permanently inoperable, or

(b) Is an antique firearm as defined in 18 U.S.C. Sec. 921(a)(16).

(3) Violation of this subsection by manufacture, assembly, or sale of more than three ghost guns is a felony punishable by imprisonment of not more than five (5) years, or by a fine up to five thousand dollars (\$5,000), or both. Violation of this subsection by manufacture, assembly, or sale of three (3) or less ghost guns is a misdemeanor punishable by not more than one (1) year, or by a fine up to one thousand dollars (\$1,000) per ghost gun, or both. Except for a first conviction under this subsection, any person convicted under this subsection shall not be afforded the provisions of suspension or deferment of sentence, probation, nor fine.

Sec. 241. Possession of ghost guns.

(1) After May 22, 2024, no person shall knowingly or recklessly possess, own, transport, or receive a ghost gun.

(2) This subsection shall not apply to:

(a) Any firearm that has been rendered permanently inoperable or is an antique firearm as defined in 18 U.S.C. Sec. 921(a)(16).

(b) The possession or transport of a ghost gun surrendered to or recovered by law enforcement officers acting in accordance with their official duties.

(c) The possession or transport of a ghost gun for the purpose of surrendering it to law enforcement.

(d) The possession or transport of a ghost gun by a federally licensed gun manufacturer during the manufacturing process of a firearm or firearm component.

(e) The possession or ownership of an unserialized firearm if it was acquired prior to May 22, 2024, if the gun is serialized pursuant to section (3) within 120 days from the effective date of this Act.

(3) Unserialized firearms purchased or obtained prior to May 22, 2024, shall be serialized within 120 days from the effective date of this Act or shall be forfeited to state or local police. The process for serializing a firearm to comply with this subsection shall be as follows:

(a) An unserialized firearm shall be serialized by a federally licensed firearm dealer or other federal licensee's authorized to provide marking services with the licensee's abbreviated federal firearms license number as a prefix, followed by a hyphen, and then followed by a number as a suffix. The serial number must be placed in a manner that accords with the requirements under federal law for affixing serial numbers to firearms, including the requirements that the serial number be at the minimum size and depth, and not susceptible to being readily obliterated, altered, or removed, and the licensee shall retain records that accord with the requirements under federal law and state law in the case of the sale of a firearm. The imprinting of a serial number upon an unserialized firearm must be done on a steel plaque in compliance with 18 U.S.C. 922(p).

(2) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall maintain a record of such indefinitely.

(3) Every federally licensed firearms dealer or other licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this subsection shall confirm the owner's eligibility to possess a firearm prior to returning the firearm to the owner.

(4) Violation of this subsection is a misdemeanor punishable by imprisonment of not more than one (1) year, or by a fine up to one thousand dollars (\$1,000) per ghost gun, or both. Except for a first conviction under this subsection, any person convicted under this subsection shall not be afforded the provisions of suspension or deferment of sentence, probation, nor fine.