

**SUBSTITUTE FOR
SENATE BILL NO. 1149**

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,"

(MCL 28.421 to 28.435) by adding section 14c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14c. (1) Except as otherwise provided in this section, a
2 person shall not do any of the following:

3 (a) Knowingly manufacture or assemble, cause to be
4 manufactured or assembled, import, purchase, sell, offer to sell,
5 or transfer ownership of any firearm that is not imprinted with a
6 valid serial number. This subdivision does not apply to an person
7 that complies with subsection (3).

8 (b) Knowingly import, purchase, sell, offer to sell, or
9 transfer ownership of any ghost gun precursor.

10 (c) Beginning 18 months after the effective date of the
11 amendatory act that added this section, knowingly possess either of
12 the following:

13 (i) A firearm that is not imprinted with a valid serial number.

14 (ii) A ghost gun precursor.

15 (d) Knowingly manufacture or assemble or cause to be
16 manufactured or assembled, import, sell, offer to sell, transfer,
17 or possess any undetectable firearm.

18 (e) Sell or transfer ownership of a firearm if any of the
19 following:

20 (i) The person manufactured or assembled the firearm without a
21 license to manufacture firearms unless that firearm has been
22 imprinted with a valid serial number in accordance with subsection
23 (5).

24 (ii) The person knowingly caused the firearm to be manufactured
25 or assembled by another person that does not have a license to
26 manufacture firearms unless that firearm has been imprinted with a
27 valid serial number in accordance with subsection (5).

28 (iii) The person is aware that the firearm was manufactured or
29 assembled by another person that does not have a license to

1 manufacture firearms unless that firearm has been imprinted with a
2 valid serial number in accordance with subsection (5).

3 (f) Knowingly allow, facilitate, aid, abet, or cause the
4 manufacture or assembling of a firearm or completed or unfinished
5 frame or receiver, by a person who is legally prohibited from
6 possessing a firearm or completed or unfinished frame or receiver
7 under state or federal law.

8 (g) Knowingly allow, facilitate, aid, abet, or cause the
9 manufacture or assembly of any firearm or completed or unfinished
10 frame or receiver that is not imprinted with a valid serial number.

11 (2) A person that does any of the following must have a
12 license to manufacture firearms:

13 (a) Manufactures or assembles a firearm or completed or
14 unfinished frame or receiver with the intent to sell that firearm
15 or completed or unfinished frame or receiver predominantly to earn
16 a profit.

17 (b) Manufactures or assembles more than 5 firearms or
18 completed or unfinished frames or receivers in this state in a
19 calendar year for personal use.

20 (c) Uses a 3-dimensional printer or computer numerical control
21 milling machine to manufacture or assemble any firearm or completed
22 or unfinished frame or receiver in this state.

23 (3) A person that manufactures or assembles a firearm or
24 completed or unfinished frame or receiver in this state and who
25 does not have a license to manufacture firearms shall, not later
26 than 10 days after manufacturing or assembling the firearm or frame
27 or receiver, have the firearm or completed or unfinished frame or
28 receiver imprinted with a valid serial number in accordance with
29 subsection (5), notify the director in a form and manner to be

1 prescribed, and provide any identifying information concerning the
2 firearm or frame or receiver and the owner of the firearm or frame
3 or receiver requested by the director, including, but not limited
4 to, the serial number of the firearm or frame or receiver.

5 (4) This section does not apply to any of the following:

6 (a) An antique firearm, any completed or unfinished frame or
7 receiver of an antique firearm, or any firearm or completed or
8 unfinished frame or receiver that has been rendered permanently
9 inoperable.

10 (b) The sale, offer for sale, or transfer of ownership of a
11 firearm, or any completed or unfinished frame or receiver, to a law
12 enforcement agency.

13 (c) The manufacture or assembly, importation, purchase,
14 transfer, or possession of a firearm, or any completed or
15 unfinished frame or receiver, by a law enforcement agency for law
16 enforcement purposes.

17 (d) The sale or transfer of ownership of a firearm, or any
18 completed or unfinished frame or receiver, to a federally licensed
19 gunsmith, manufacturer, or importer, or to any other entity
20 authorized to serialize firearms.

21 (e) The manufacture or assembly, importation, purchase, or
22 possession of a firearm, or any completed or unfinished frame or
23 receiver, by a federally licensed gunsmith, manufacturer, or
24 importer, or by any other entity authorized to serialize firearms.

25 (f) A member of any of the following, while on duty and acting
26 in the scope and course of employment:

27 (i) The United States Armed Forces or the National Guard.

28 (ii) A law enforcement agency.

29 (iii) A forensic laboratory.

1 (g) A common carrier, motor carrier, air carrier, or carrier
2 affiliated with an air carrier through common controlling interest,
3 or an authorized agent of that carrier, when acting in the scope
4 and course of duties incident to the receipt, processing,
5 transportation, or delivery of property.

6 (h) An authorized representative of a local, state, or federal
7 government that receives a firearm or any completed or unfinished
8 frame or receiver as part of an authorized, voluntary buyback
9 program in which the governmental entity is buying or receiving
10 firearms or any completed or unfinished frames or receivers from
11 private individuals.

12 (i) The possession and disposition of a firearm or any
13 completed or unfinished frame or receiver by a person that meets
14 all of the following:

15 (i) The person is not prohibited by state or federal law from
16 possessing the firearm or completed or unfinished frame or
17 receiver.

18 (ii) The person possessed the firearm or any completed or
19 unfinished frame or receiver no longer than was necessary to
20 deliver it to a law enforcement agency for that agency's
21 disposition according to law.

22 (iii) If the person is transporting the firearm or any completed
23 or unfinished frame or receiver, the person is transporting it to a
24 law enforcement agency in order to deliver it to the agency for the
25 agency's disposition according to law.

26 (j) The possession or importation of a firearm or any
27 completed or unfinished frame or receiver by an individual moving
28 into this state who, not later than 90 days after moving into this
29 state, causes the firearm or completed or unfinished frame or

1 receiver to be imprinted with a valid serial number in accordance
2 with subsection (5), removes the weapon from this state, or
3 otherwise comes into compliance with this section.

4 (k) The transportation of or temporary transfer of a firearm,
5 or any completed or unfinished frame or receiver, to a federally
6 licensed gunsmith, manufacturer, or importer, or to any other
7 entity authorized to serialize firearms by an individual who
8 lawfully possesses such firearm or completed or unfinished frame or
9 receiver before 18 months after the effective date of the
10 amendatory act that added this section, or before moving into this
11 state, for the purpose of having the firearm or completed or
12 unfinished frame or receiver imprinted with a valid serial number
13 as provided in subsection (5).

14 (5) A firearm or completed or unfinished frame or receiver
15 must be imprinted with a valid serial number in the following
16 manner:

17 (a) The serial number must be imprinted by a federally
18 licensed gunsmith, manufacturer, or importer, or other entity
19 authorized to serialize firearms.

20 (b) The serial number must comply with federal requirements
21 for the identification of firearms, including, but not limited to,
22 27 CFR 479.102.

23 (6) A person who violates this section is guilty of the
24 following:

25 (a) For a first offense, a misdemeanor punishable by
26 imprisonment for not more than 1 year, a fine of not more than
27 \$5,000.00, or both.

28 (b) For a second or subsequent offense, a felony punishable by
29 imprisonment for not more than 5 years, a fine of not more than

1 \$10,000.00, or both.

2 (7) As used in this section:

3 (a) "Antique firearm" means that term as defined in 27 CFR
4 479.11.

5 (b) "Director" means the director of the department of state
6 police or the director's designee.

7 (c) "Entity authorized to serialize firearms" means a person,
8 firm, corporation, or other entity that is authorized under federal
9 law to imprint serial numbers on firearms and completed or
10 unfinished frames or receivers under 18 USC 923.

11 (d) "Federally licensed gunsmith, manufacturer, or importer"
12 means a person, firm, corporation, or other entity that holds a
13 valid gunsmith license, or license to manufacture or import
14 firearms issued under 18 USC 923.

15 (e) "Frame" means the part of a handgun, or variants thereof,
16 that provides housing or a structure for the component designed to
17 hold back the hammer, striker, bolt, or similar primary energized
18 component before initiation of the firing sequence, even if pins or
19 other attachments are required to connect that component to the
20 housing or structure. Any part of a handgun that is identified with
21 an importer's or manufacturer's serial number is presumed, absent
22 an official determination by the director of the Bureau of Alcohol,
23 Tobacco, Firearms, and Explosives or other reliable evidence to the
24 contrary, to be the frame of the handgun.

25 (f) "Ghost gun precursor" means a frame, receiver, or
26 unfinished frame or receiver, that does not have a valid serial
27 number.

28 (g) "License to manufacture firearms" means a valid license to
29 manufacture firearms issued under 18 USC 923.

1 (h) "Major component" means that term as defined in 18 USC
2 922.

3 (i) "Manufacture or assemble" means to fabricate, construct,
4 fit together component parts of, or otherwise produce a firearm or
5 completed or unfinished frame or receiver, including through
6 additive, subtractive, or other processes.

7 (j) "Receiver" means the part of a rifle, shotgun, or
8 projectile weapon other than a handgun, or variants thereof, that
9 provides housing or a structure for the primary component designed
10 to block or seal the breech before initiation of the firing
11 sequence, even if pins or other attachments are required to connect
12 that component to the housing or structure. Any part of a rifle,
13 shotgun, or projectile weapon other than a handgun that is
14 identified with an importer's or manufacturer's serial number is
15 presumed, absent an official determination by the director of the
16 Bureau of Alcohol, Tobacco, Firearms, and Explosives or other
17 reliable evidence to the contrary, to be the receiver of the rifle,
18 shotgun, or projectile weapon other than a handgun.

19 (k) "Security exemplar" means that term as defined in 18 USC
20 922.

21 (l) "3-dimensional printer" means a computer-aided
22 manufacturing device capable of producing a 3-dimensional object
23 from a 3-dimensional digital model through an additive
24 manufacturing process that involves the layering of 2-dimensional
25 cross sections formed of a resin or similar material that are fused
26 together to form a 3-dimensional object.

27 (m) "Undetectable firearm" means a firearm manufactured,
28 assembled, or otherwise comprised entirely of nonmetal substances,
29 if 1 of the following is true:

1 (i) After removal of all parts except major components, the
2 firearm is not detectable as a security exemplar by a walk-through
3 metal detector calibrated to detect the security exemplar.

4 (ii) The firearm includes a major component that, if subjected
5 to inspection by the types of X-ray machines commonly used at
6 airports, would not generate an image that accurately depicts the
7 shape of the component.

8 (n) "Unfinished frame or receiver" means a forging, casting,
9 printing, extrusion, machined body, or similar item that does
10 either of the following:

11 (i) Is designed to or may readily be completed, assembled, or
12 otherwise converted to function as a frame or receiver.

13 (ii) Is marketed or sold to the public to become or be used as
14 the frame or receiver of a functional firearm once completed,
15 assembled, or otherwise converted.

16 (o) Unfinished frame or receiver does not include a component
17 designed and intended for use in an antique firearm.

18 (p) "Valid serial number" means a serial number required by
19 federal law that has been imprinted by an entity authorized to
20 serialize firearms.

21 (q) "Variants thereof" means a weapon utilizing a similar
22 frame or receiver design irrespective of new or different model
23 designations or configurations, characteristics, features,
24 components, accessories, or attachments.