



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW

Michigan Penal Code amended to allow a person to make, manufacture, transfer, or possess a short-barreled shotgun or short-barreled rifle under certain conditions.

Public Act 63 of 2014 amended [MCL 750.224b](#), effective immediately. MCL 750.224b prohibits a person from making, manufacturing, transferring, or possessing a short-barreled shotgun (SBS) or a short-barreled rifle (SBR).

[MCL 750.222\(i\)](#) defines a SBS as a shotgun having one 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.

[MCL 750.222\(k\)](#) defines a SBR as a rifle having one 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.

Under the new amendment, [MCL 750.224b\(3\)](#) allows a person to make, manufacture, transfer, or possess a SBS or a SBR that is lawfully made, manufactured, transferred, or possessed under federal law.

Registration Requirements

SBR or SBS that is 26 inches or less in length must be registered as a pistol in Michigan:

[MCL 750.224b\(4\)](#) was added to require that a person, except a manufacturer, lawfully making, transferring, or possessing a SBS or a SBR that is 26 inches or less in length comply with the registration requirements of [MCL 28.422](#) or [28.422a](#). A SBS or a SBR that is 26 inches or less in length is considered a [pistol](#) as defined by Michigan law and is subject to all Michigan statutes applicable to pistols.

SBR or SBS that is greater than 26 inches in length:

[MCL 750.224b\(5\)](#) was added to require that a person who possesses a SBS or a SBR that is greater than 26 inches in length possess a copy of the federal registration of that SBS or SBR while transporting or

using that SBS or SBR and shall present that federal registration to a peace officer upon request by that peace officer. Violation of this subsection is a state civil infraction.

Seizure and Forfeiture of SBR or SBS greater than 26 inches in length

[MCL 750.224b\(6\)](#) provides that if a person possesses a SBS or SBR greater than 26 inches in length and does not possess the federal registration as required by [MCL 750.224b\(5\)](#), the SBS or SBR is subject to immediate seizure by a peace officer.

If a peace officer seizes a SBS or SBR under this subsection, the person has 45 days to display the federal registration to an authorized employee of the seizing law enforcement agency. If the person displays the federal registration within the 45-day period, the authorized employee shall return the SBS or SBR to the person unless the person is prohibited by law from possessing a firearm. If the person does not display the federal registration within the 45-day period, the SBS or SBR is subject to seizure and forfeiture under [MCL 600.4701](#) to [600.4709](#).

Federal Approval Requirements

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the federal agency responsible for approving a person to make, manufacture, transfer, or possess a SBS or SBR. Generally speaking, there are two common ways a person who is not qualified as a manufacturer, importer, or dealer of SBSs or SBRs may lawfully obtain a SBS or SBR under federal law:

1. By obtaining ATF approval to purchase a previously registered SBS or SBR ([ATF Form 4](#)).
2. By obtaining ATF approval to make and register a SBS or SBR ([ATF Form 1](#)).

An approved ATF Form 4 or ATF Form 1 received from the ATF serves as evidence of federal registration of the SBS or SBR in the owner's name. Officers are encouraged to visit the ATF's Web site (www.atf.gov) for additional information.

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