

HOUSE BILL NO. 4946

September 07, 2023, Introduced by Reps. O'Neal, Brenda Carter, Dievendorf, Hope, Brixie, Byrnes, Scott, Neeley, Mentzer, Grant, Pohutsky, Rogers, Martus, Puri, Price, Morse, Rheingans, Farhat, Young, Breen, Hoskins, Edwards, Arbit, Tsernoglou and Aiyash and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 224f (MCL 750.224f), as amended by 2014 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 224f. (1) Except as provided in subsection (2), a person
2 convicted of a felony shall not possess, use, transport, sell,
3 purchase, carry, ship, receive, or distribute a firearm in this
4 state until the expiration of 3 years after all of the following
5 circumstances exist:

6 (a) The person has paid all fines imposed for the violation.

1 (b) The person has served all terms of imprisonment imposed
2 for the violation.

3 (c) The person has successfully completed all conditions of
4 probation or parole imposed for the violation.

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

9 (a) The expiration of 5 years after all of the following
10 circumstances exist:

11 (i) The person has paid all fines imposed for the violation.

12 (ii) The person has served all terms of imprisonment imposed
13 for the violation.

14 (iii) The person has successfully completed all conditions of
15 probation or parole imposed for the violation.

16 (b) The person's right to possess, use, transport, sell,
17 purchase, carry, ship, receive, or distribute a firearm has been
18 restored under section 4 of 1927 PA 372, MCL 28.424.

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

23 (a) The person has paid all fines imposed for the violation.

24 (b) The person has served all terms of imprisonment imposed
25 for the violation.

26 (c) The person has successfully completed all conditions of
27 probation or parole imposed for the violation.

28 (4) A person convicted of a specified felony shall not
29 possess, use, transport, sell, carry, ship, or distribute

1 ammunition in this state until all of the following circumstances
2 exist:

3 (a) The expiration of 5 years after all of the following
4 circumstances exist:

5 (i) The person has paid all fines imposed for the violation.

6 (ii) The person has served all terms of imprisonment imposed
7 for the violation.

8 (iii) The person has successfully completed all conditions of
9 probation or parole imposed for the violation.

10 (b) The person's right to possess, use, transport, sell,
11 purchase, carry, ship, receive, or distribute ammunition has been
12 restored under section 4 of 1927 PA 372, MCL 28.424.

13 **(5) A person convicted of a misdemeanor involving domestic**
14 **violence shall not possess, use, transport, sell, purchase, carry,**
15 **ship, receive, or distribute a firearm or ammunition in this state**
16 **until the expiration of 8 years after all of the following**
17 **circumstances exist:**

18 (a) The person has paid all fines imposed for the violation.

19 (b) The person has served all terms of imprisonment imposed
20 for the violation.

21 (c) The person has successfully completed all conditions of
22 probation or parole imposed for the violation.

23 (6) ~~(5)~~—A person who possesses, uses, transports, sells,
24 purchases, carries, ships, receives, or distributes a firearm in
25 violation of this section is guilty of a felony punishable by
26 imprisonment for not more than 5 years or a fine of not more than
27 \$5,000.00, or both.

28 (7) ~~(6)~~—A person who possesses, uses, transports, sells,
29 carries, ships, or distributes ammunition in violation of this

1 section is guilty of a felony punishable by imprisonment for not
2 more than 5 years or a fine of not more than \$5,000.00, or both.

3 (8) ~~(7)~~—Any single criminal transaction where a person
4 possesses, uses, transports, sells, carries, ships, or distributes
5 ammunition in violation of this section, regardless of the amount
6 of ammunition involved, constitutes 1 offense.

7 (9) ~~(8)~~—This section does not apply to a conviction that has
8 been expunged or set aside, or for which the person has been
9 pardoned, unless the expunction, order, or pardon expressly
10 provides that the person shall not possess a firearm or ammunition.

11 (10) ~~(9)~~—As used in this section:

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

14 (b) "Felony" means a violation of a law of this state, or of
15 another state, or of the United States that is punishable by
16 imprisonment for ~~4 years or more~~, **a term exceeding 1 year**, or an
17 attempt to violate such a law.

18 (c) **"Misdemeanor involving domestic violence" means a**
19 **misdemeanor that meets all of the following:**

20 (i) **Is punishable by imprisonment for not more than 1 year.**

21 (ii) **Is 1 of the following offenses:**

22 (A) **A violation of section 81.**

23 (B) **A violation of section 81a.**

24 (C) **A violation of section 115.**

25 (D) **A violation of section 145n.**

26 (E) **A violation of section 377a.**

27 (F) **A violation of section 380.**

28 (G) **A violation of section 411h.**

29 (H) **A violation of section 520e.**

1 (I) A violation of section 540e.

2 (J) A violation of an ordinance, a law of another state, or a
3 law of the United States that substantially corresponds to a
4 violation listed in sub-subparagraph (A) to (I).

5 (K) A violation of an ordinance, a law of another state, or a
6 law of the United States that is specifically designated as
7 domestic violence.

8 (iii) Includes any of the following:

9 (A) The victim is the convicted person's spouse or former
10 spouse.

11 (B) The victim has or has had a dating relationship, as that
12 term is defined in section 81, with the convicted person.

13 (C) The victim has or has had a child in common with the
14 convicted person.

15 (D) The victim is a resident or former resident of the
16 convicted person's household.

17 (E) The convicted person is the victim's parent or guardian.

18 (d) ~~(10) As used in subsections (2) and (4), "specified~~
19 "**Specified** felony" means a felony in which 1 or more of the
20 following circumstances exist:

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

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

29 (iii) ~~(c)~~An element of that felony is the unlawful possession

1 or distribution of a firearm.

2 **(iv)** ~~(d)~~—An element of that felony is the unlawful use of an
3 explosive.

4 **(v)** ~~(e)~~—The felony is burglary of an occupied dwelling, ~~or~~
5 breaking and entering an occupied dwelling, or arson.