

HOUSE BILL NO. 5372

October 06, 2021, Introduced by Reps. O'Neal and Rendon and referred to the Committee on Judiciary.

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (4) A person convicted of a specified felony shall not

1 possess, use, transport, sell, carry, ship, or distribute
2 ammunition in this state until all of the following circumstances
3 exist:

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

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

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

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

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

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

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

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

22 (c) **The person has successfully completed all conditions of**
23 **probation imposed for the violation.**

24 (6) ~~(5)~~—A person who possesses, uses, transports, sells,
25 purchases, carries, ships, receives, or distributes a firearm in
26 violation of this section is guilty of a felony punishable by
27 imprisonment for not more than 5 years or a fine of not more than
28 \$5,000.00, or both.

29 (7) ~~(6)~~—A person who possesses, uses, transports, sells,

1 carries, ships, or distributes ammunition in violation of this
2 section is guilty of a felony punishable by imprisonment for not
3 more than 5 years or a fine of not more than \$5,000.00, or both.

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

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

12 (10) ~~(9)~~—As used in this section:

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

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

19 (c) **"Misdemeanor involving domestic violence" means a**
20 **violation of the laws of this state or another state, a political**
21 **subdivision of this state or another state, or the United States**
22 **that is punishable by imprisonment for not more than 1 year, and in**
23 **which any of the following occur:**

24 (i) **The victim is the convicted person's spouse or former**
25 **spouse.**

26 (ii) **The victim has or has had a dating relationship, as that**
27 **term is defined in section 81, with the convicted person.**

28 (iii) **The victim has or has had a child in common with the**
29 **convicted person.**

1 (iv) The victim is a resident or former resident of the
2 convicted person's household.

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

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

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

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

16 (iv) ~~(d)~~An element of that felony is the unlawful use of an
17 explosive.

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