

# HOUSE BILL No. 6134

June 7, 2018, Introduced by Reps. Chang, Whiteford, Rendon and Kesto and referred to the Committee on Law and 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 **MISDEMEANOR INVOLVING DOMESTIC VIOLENCE A SECOND OR**  
3 **SUBSEQUENT TIME OR CONVICTED OF A** felony shall not possess, use,  
4 transport, sell, purchase, carry, ship, receive, or distribute a  
5 firearm in this state until the expiration of 3 years after all of  
6 the following circumstances exist:

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

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

10          (c) The person has successfully completed all conditions of

1 probation or parole imposed for the violation.

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

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

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

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

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

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

16 (3) Except as provided in subsection (4), a person convicted  
17 of a **MISDEMEANOR INVOLVING DOMESTIC VIOLENCE A SECOND OR SUBSEQUENT**  
18 **TIME OR CONVICTED OF A** felony shall not possess, use, transport,  
19 sell, carry, ship, or distribute ammunition in this state until the  
20 expiration of 3 years after all of the following circumstances  
21 exist:

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

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

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

27 (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 who possesses, uses, transports, sells,  
15 purchases, carries, ships, receives, or distributes a firearm in  
16 violation of this section is guilty of a felony punishable by  
17 imprisonment for not more than 5 years or a fine of not more than  
18 \$5,000.00, or both.

19 (6) A person who possesses, uses, transports, sells, carries,  
20 ships, or distributes ammunition in violation of this section is  
21 guilty of a felony punishable by imprisonment for not more than 5  
22 years or a fine of not more than \$5,000.00, or both.

23 (7) Any single criminal transaction ~~where~~ **IN WHICH** a person  
24 possesses, uses, transports, sells, carries, ships, or distributes  
25 ammunition in violation of this section, regardless of the amount  
26 of ammunition involved, constitutes 1 offense.

27 (8) This section does not apply to a conviction that has been

1 expunged or set aside, or for which the person has been pardoned,  
2 unless the expunction, order, or pardon expressly provides that the  
3 person shall not possess a firearm or ammunition.

4 (9) As used in this section:

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

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

11 ~~(10) As used in subsections (2) and (4), "specified~~

12 (C) "**SPECIFIED** felony" means a felony in which 1 or more of  
13 the following circumstances exist:

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

19 (ii) ~~(b)~~—An element of that felony is the unlawful  
20 manufacture, possession, importation, exportation, distribution, or  
21 dispensing of a controlled substance.

22 (iii) ~~(c)~~—An element of that felony is the unlawful possession  
23 or distribution of a firearm.

24 (iv) ~~(d)~~—An element of that felony is the unlawful use of an  
25 explosive.

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

1           Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.