

Legislative Analysis



OBTAINING OR PURCHASING FIREARMS ILLEGALLY

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6222 (H-1) as reported from committee
Sponsor: Rep. Kelly Breen

Analysis available at
<http://www.legislature.mi.gov>

House Bill 6223 (H-1) as reported from committee
Sponsor: Rep. Kara Hope

1st Committee: Criminal Justice
2nd Committee: Judiciary
Complete to 12-13-24

SUMMARY:

House Bill 6222 would amend the Michigan Penal Code to increase the criminal penalties for illegally obtaining a firearm or illegally attempting to purchase one. The bill also would require licensed gun dealers to report attempts to illegally purchase a firearm to the police and make failure to do so a felony.

Currently under the code, a person who obtains a firearm in violation of section 2 of 1927 PA 372, the firearms licensure act, is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both.¹ The bill would instead provide that the person is guilty of a felony punishable by imprisonment for up to two years or a fine of up to \$1,000, or both.

In addition, a person who uses or attempts to use identification that is false or someone else's to purchase a firearm is now guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be guilty of a felony punishable by imprisonment for up to two years or a fine of up to \$1,000, or both. The bill would make knowingly attempting to purchase a firearm in violation of Michigan law an offense subject to the same penalties.

Finally, the bill would newly require an individual engaged in the sale of firearms who has knowledge of an attempt to purchase a firearm from that individual in violation of Michigan law to notify a law enforcement agency with jurisdiction within 24 hours of the attempted purchase. An individual who fails to do so would be guilty of a felony punishable by imprisonment for up to two years or a fine of up to \$1,000, or both.

The code now provides that a person who intentionally makes a material false statement on an application for a license to purchase a firearm under section 2 of the firearms licensure act is guilty of a felony punishable by imprisonment for up to four years or a fine of up to \$2,000, or both. The bill would not amend this provision.

MCL 750.232a

¹ That section generally prohibits carrying, possessing, or transporting a pistol, or purchasing a firearm that is not a pistol, without first obtaining a license. See <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-28-422>

House Bill 6223 would add the three new felonies described above to the sentencing guidelines provisions of the Code of Criminal Procedure. Obtaining a firearm in violation of section 2 of the firearms licensure act, attempting to purchase a firearm with false ID or knowingly attempting to purchase a firearm in violation of state law, or failing to report knowledge of an attempt to purchase a firearm in violation of state law would each be a Class G crime against public safety with a maximum term of imprisonment of two years.

MCL 777.16m

Each bill would take effect 90 days after it is enacted.

House Bill 6223 can take effect only if House Bill 6222 is also enacted.

FISCAL IMPACT:

House Bill 6222 would have an indeterminate fiscal impact on the state and on local units of government. Criminal penalties would be increased from misdemeanors to felonies for individuals convicted of illegally obtaining or illegally attempting to purchase firearms. Also, under the bill, licensed firearm dealers failing to notify law enforcement of illegal attempts to purchase firearms would be guilty of a felony punishable by imprisonment for not more than two years, or a fine of not more than \$1,000, or both. Penalties changing from misdemeanors to felonies would lead to increased costs related to state prisons and state probation supervision and decreased costs for county jails. New felony convictions would also lead to increased costs related to state prisons and state probation supervision. Increased or decreased costs would depend on the number of individuals convicted and there is no practical way to estimate that number. In fiscal year 2023, for felony convictions, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. For misdemeanor convictions, costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Under the bill, existing fines would be increased from \$100 to \$1,000 and a new fine of \$1,000 would be added. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. The fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

House Bill 6223 is a companion bill to House Bill 6222 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the revisions to felonies included in House Bill 6222. Obtaining a firearm in violation of state law, attempting to purchase a firearm using false identification or knowingly in violation of state law, and a licensed firearm dealer failing to report illegal attempts to purchase firearms would be Class G felonies against public safety punishable by a statutory maximum of two years. The bill would not have a direct fiscal impact on the state or on local units of government.

POSITIONS:

A representative of the Oakland County Sheriff's Department testified in support of the bills.
(12-11-24)

The following entities indicated support for the bills (12-11-24):

- Department of Attorney General
- Michigan Fraternal Order of Police

The following entities indicated a neutral position on the bills (12-11-24):

- NRA
- Michigan Sheriffs' Association

Legislative Analyst: Rick Yuille
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.