

# HOUSE BILL No. 5432

January 8, 1992, Introduced by Rep. Nye and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 224f.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 224f to read as follows:

4       SEC. 224F. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN  
5 INDIVIDUAL CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR  
6 MORE THAN 1 YEAR SHALL NOT POSSESS A FIREARM IN THIS STATE UNTIL  
7 THE EXPIRATION OF 5 YEARS AFTER ALL OF THE FOLLOWING  
8 CIRCUMSTANCES EXIST:

1 (A) HE OR SHE HAS PAID ALL FINES IMPOSED FOR THE VIOLATION.

2 (B) HE OR SHE HAS SERVED ANY TERM OF IMPRISONMENT IMPOSED  
3 FOR THE VIOLATION.

4 (C) HE OR SHE HAS SUCCESSFULLY COMPLETED ALL CONDITIONS OF  
5 PROBATION OR PAROLE IMPOSED FOR THE VIOLATION.

6 (2) AN INDIVIDUAL CONVICTED OF A CRIME PUNISHABLE BY IMPRIS-  
7 ONMENT FOR MORE THAN 1 YEAR THAT INVOLVED VIOLENCE OR THE THREAT  
8 OF VIOLENCE TO ANOTHER INDIVIDUAL OR THE UNLAWFUL POSSESSION,  
9 DISTRIBUTION, OR MANUFACTURE OF A CONTROLLED SUBSTANCE, SHALL NOT  
10 POSSESS A FIREARM IN THIS STATE UNTIL THE EXPIRATION OF 5 YEARS  
11 AFTER ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

12 (A) ALL OF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (1)(A)  
13 TO (C).

14 (B) HE OR SHE HAS HAD HIS OR HER RIGHT TO POSSESS A FIREARM  
15 RESTORED PURSUANT TO SECTION 4 OF ACT NO. 372 OF THE PUBLIC ACTS  
16 OF 1927, BEING SECTION 28.424 OF THE MICHIGAN COMPILED LAWS.

17 (3) AN INDIVIDUAL WHO POSSESSES A FIREARM IN VIOLATION OF  
18 THIS SECTION IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT  
19 FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$5,000.00,  
20 OR BOTH.

21 (4) THIS SECTION DOES NOT APPLY TO A CONVICTION THAT HAS  
22 BEEN EXPUNGED OR SET ASIDE, OR FOR WHICH THE PERSON HAS BEEN PAR-  
23 DONED, UNLESS THE EXPUNCTION, ORDER, OR PARDON EXPRESSLY PROVIDES  
24 THAT THE PERSON SHALL NOT POSSESS A FIREARM.

25 (5) AS USED IN THIS SECTION, "CRIME PUNISHABLE BY IMPRISON-  
26 MENT FOR MORE THAN 1 YEAR" DOES NOT INCLUDE A VIOLATION OF A LAW  
27 OF THIS STATE OR OF ANOTHER STATE THAT IS CLASSIFIED AS A

1 MISDEMEANOR AND THAT IS PUNISHABLE BY IMPRISONMENT FOR 2 YEARS OR  
2 LESS.

3       Section 2. This amendatory act shall not take effect unless  
4 Senate Bill No. \_\_\_\_\_ or House Bill No. 5433 (request  
5 no. 05109'91 a\*) of the 86th Legislature is enacted into law.