



HOUSE BILL No. 5801

April 24, 1996, Introduced by Reps. Crissman, Green, Horton, LeTarte, Law, Gustafson, Goschka, Jamian, Hill, Rhead, Llewellyn, McBryde, Voorhees, Middleton, Brackenridge, Dobb, Kukuk, Kaza, London, Geiger, Gilmer, Sikkema, Bodem, Gnodtke, Bush, Ryan, Whyman, McManus, Galloway, Middaugh and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 224f of Act No. 328 of the Public Acts of 1931, entitled as amended
"The Michigan penal code,"
as added by Act No. 217 of the Public Acts of 1992, being section 750.224f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 224f of Act No. 328 of the Public Acts
2 of 1931, as added by Act No. 217 of the Public Acts of 1992,
3 being section 750.224f of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 224f. (1) Except as provided in subsection (2), a
6 person convicted of a felony OR ADJUDICATED AS RESPONSIBLE FOR AN
7 ACT THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY shall not
8 possess, use, transport, sell, purchase, carry, ship, receive, or
9 distribute a firearm in this state until the expiration of 3

1 years after all of the following circumstances exist, AS

2 APPLICABLE:

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

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

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

9 (D) THE PERSON HAS SUCCESSFULLY COMPLETED ALL TERMS, CONDI-
10 TIONS, OR REQUIREMENTS IMPOSED FOR THE VIOLATION IN THE ORDER OF
11 DISPOSITION.

12 (2) A person convicted of a specified felony OR ADJUDICATED
13 AS RESPONSIBLE FOR AN ACT THAT IF COMMITTED BY AN ADULT WOULD BE
14 A SPECIFIED FELONY shall not possess, use, transport, sell, pur-
15 chase, carry, ship, receive, or distribute a firearm in this
16 state until all of the following circumstances exist:

17 (a) The expiration of 5 years after all of the following
18 circumstances exist, AS APPLICABLE:

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

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

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

25 (iv) THE PERSON HAS SUCCESSFULLY COMPLETED ALL TERMS, CONDI-
26 TIONS, OR REQUIREMENTS IMPOSED FOR THE VIOLATION IN THE ORDER OF
27 DISPOSITION.

1 (b) The person's right to possess, use, transport, sell,
2 purchase, carry, ship, receive, or distribute a firearm has been
3 restored ~~pursuant to~~ UNDER section 4 of Act No. 372 of the
4 Public Acts of 1927, being section 28.424 of the Michigan
5 Compiled Laws.

6 (3) A person who possesses, uses, transports, sells, pur-
7 chases, carries, ships, receives, or distributes a firearm in
8 violation of this section is guilty of a felony ~~and~~ punishable by
9 imprisonment for not more than 5 years ~~or~~ or a fine of not more
10 than \$5,000.00, or both.

11 (4) This section does not apply to a conviction OR
12 ADJUDICATION that has been expunged or set aside, or for which
13 the person has been pardoned, unless the expunction, order, or
14 pardon expressly provides that the person shall not possess a
15 firearm.

16 (5) As used in this section, "felony" means a violation of a
17 law of this state, or of another state, or of the United States
18 that is punishable by imprisonment for 4 years or more, or an
19 attempt to violate such a law.

20 (6) As used in subsection (2), "specified felony" means a
21 felony in which 1 or more of the following circumstances exist:

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

1 (B) ~~-(iii)-~~ An element of that felony is the unlawful
2 manufacture, possession, importation, exportation, distribution,
3 or dispensing of a controlled substance.

4 (C) ~~-(iii)-~~ An element of that felony is the unlawful pos-
5 session or distribution of a firearm.

6 (D) ~~-(iv)-~~ An element of that felony is the unlawful use of
7 an explosive.

8 (E) ~~-(v)-~~ The felony is burglary of an occupied dwelling,
9 ~~or~~ breaking and entering an occupied dwelling, HOME INVASION,
10 or arson.

11 Section 2. This amendatory act shall not take effect unless
12 Senate Bill No. _____ or House Bill No. 5802 (request
13 no. 05142'95 a) of the 88th Legislature is enacted into law.