

# HOUSE BILL No. 4469

March 11, 1997, Introduced by Reps. Crissman, Galloway, Dobb, Bodem, Voorhees, Hammerstrom, McBryde and Goschka 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 added by 1992 PA  
217.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 224f. (1) Except as provided in subsection (2), a  
2 person convicted of a felony OR ADJUDICATED UNDER CHAPTER XIIA OF  
3 1939 PA 288, MCL 712A.1 TO 712A.32, AS RESPONSIBLE FOR AN ACT  
4 THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY shall not pos-  
5 sess, use, transport, sell, purchase, carry, ship, receive, or  
6 distribute a firearm in this state until the expiration of 3  
7 years after all of the following circumstances exist, AS  
8 APPLICABLE:  
9       (a) The person has paid all fines imposed for the  
10 violation.

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

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

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

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

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

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

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

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

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

24 (b) The person's right to possess, use, transport, sell,  
25 purchase, carry, ship, receive, or distribute a firearm has been  
26 restored ~~pursuant to~~ UNDER section 4 of ~~Act No. 372 of the~~

1 ~~Public Acts of 1927, being section 28.424 of the Michigan~~  
2 ~~Compiled Laws~~ 1927 PA 372, MCL 28.424.

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

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

13 (5) As used in this section: ~~—, "felony"~~

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

18 ~~(6) As used in subsection (2), "specified"~~

19 (B) "SPECIFIED felony" means a felony in which 1 or more of  
20 the following circumstances exist:

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

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

4       (iii) An element of that felony is the unlawful possession  
5 or distribution of a firearm.

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

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

11       Enacting section 1. This amendatory act does not take  
12 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
13 (request no. 00315'97 a) of the 89th Legislature is enacted into  
14 law.