



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

CRIMES COMMITTED WITH STOLEN FIREARMS

House Bills 5732 and 5733

Sponsor: Rep. Robert Gosselin

Committee: Constitutional Law and Ethics

Complete to 5-8-00

A SUMMARY OF HOUSE BILLS 5732 AND 5733 AS INTRODUCED 5-4-00

Currently, a person who commits larceny by stealing another person's firearm is guilty of a felony punishable by imprisonment for up to 5 years or a fine of up to \$2,500, or both. House Bill 5732 would amend the Michigan Penal Code (MCL 357b) to add a new crime and penalty if a stolen firearm were subsequently used by the person who stole it, or anyone else, to commit or attempt to commit a felony. In that case, the person would be guilty of a felony punishable by the same penalty as the felony attempted or committed. Such a violation would be committed at the time the felony involving the use of the firearm were committed or attempted, and conviction for larceny involving the theft of a firearm would not preclude a subsequent prosecution and conviction for using the stolen firearm to commit or attempt to commit a felony.

House Bill 5733 would amend the Code of Criminal Procedure (MCL 777.16r) to add the new crime to the sentencing guidelines as a "variable" class, and to specify that the category for the new crime would be the same as the category of the felony committed or attempted. The bill would not take effect unless House Bill 5732 was enacted.

House Bills 5732 and 5733 (5-8-00)

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.