

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5782 (as passed by the House)
Sponsor: Representative Larry DeVuyst
House Committee: Conservation and Outdoor Recreation
Senate Committee: Judiciary

Date Completed: 11-29-00

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines a third or subsequent offense of selling firearms without a trigger lock or other disabling device or without a secure gun case or storage container. The violation would be categorized as a Class F felony against the public safety, with a statutory maximum sentence of two years' imprisonment. The bill is tie-barred to House Bill 5781 (Public Act 265 of 2000).

(Under Public Act 265, a Federally licensed firearms dealer is prohibited from selling a firearm in Michigan unless the sale includes either a commercially available trigger lock or other device designed to disable the firearm and prevent its discharge or a commercially available gun case or storage container that can be secured to prevent unauthorized access to the firearm. The prohibition does not apply to the sale of a firearm to a police officer or agency or to the sale of a firearm to a person who presents to the dealer either a trigger lock or other disabling device, with a copy of the purchase receipt, or a secure gun case or storage container, with a copy of the purchase receipt.)

MCL 777.11

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

The sentencing guideline minimum ranges from 0-3 months to 17-30 months for a Class F felony. However, there are no data available to indicate how many offenders may be convicted of a third or subsequent offense of selling firearms without a trigger lock, disabling device, or secure container. To the extent that the maximum sentence is two years and that sentencing guidelines require that a minimum sentence not exceed two-thirds of the maximum sentence, local units of government will be responsible for offenders convicted of this offense and the State will incur the costs of supervision for offenders sentenced to probation.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.