

# Legislative Analysis



## FIREARMS/AMMUNITION POSSESSION BY REPEAT DOMESTIC VIOLENCE MISDEMEANANT

Phone: (517) 373-8080  
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**House Bill 6134 as introduced**  
**Sponsor: Rep. Stephanie Chang**

**House Bill 6135 as introduced**  
**Sponsor: Rep. Mary Whiteford**

**House Bill 6136 as introduced**  
**Sponsor: Rep. Daire Rendon**

**Committee: Law and Justice**  
**Complete to 9-30-18**

### BRIEF SUMMARY:

House Bill 6134 would impose, for a second or subsequent conviction of a *misdemeanor involving domestic violence*, the same 3-year restrictions on possessing, using, or purchasing a firearm or ammunition, and penalties for violating those restrictions, that are currently in place for a felony conviction.

House Bill 6135 would define the term *misdemeanor involving domestic violence*.

House Bill 6136 would amend the sentencing guidelines to reflect the changes proposed by House Bill 6134.

House Bills 6135 and 6136 are tie-barred to House Bill 6134, which means that they could not take effect unless House Bill 6134 were also enacted. House Bills 6134 and 6136 would each take effect 90 days after enactment.

### DETAILED SUMMARY:

Currently, under Chapter XXXVII (Firearms) of the Michigan Penal Code, a person who has been convicted of a felony may not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition in the state until 3 years after paying all fines, serving all terms of imprisonment, and successfully completing all conditions of probation or parole imposed for the violation. A violation of the prohibition regarding either a firearm or ammunition is a felony punishable by imprisonment for up to 5 years or a fine of up to \$5,000, or both.

**House Bill 6134** would amend Chapter XXXVII of the Penal Code to also apply the prohibitions described above regarding firearms and ammunition, and the penalty for violating those prohibitions, to a person who is convicted of a *misdemeanor involving domestic violence* a second or subsequent time.

MCL 750.224f

**House Bill 6135** would amend Chapter XXXVII to define the term ***misdemeanor involving domestic violence*** to mean a violation of a local or state law (of Michigan or any other state) or federal law that is punishable by imprisonment for up to 1 year and in which any of the following occurs:

- The victim is the convicted person's spouse or former spouse.
- The victim has or has had a dating relationship with the convicted person, as "dating relationship" is defined in Section 81 of the Code (assault and battery).
- The victim has or has had a child in common with the convicted person.
- The victim is a resident or former resident of the convicted person's household.

MCL 750.222

**House Bill 6136** would amend the Code of Criminal Procedure to revise the sentencing guidelines for possession or sale of a firearm or ammunition by a felon to include possession or sale of a firearm or ammunition by a "domestic violence misdemeanor."

MCL 777.16m

#### **FISCAL IMPACT:**

House Bill 6134 would have an indeterminate fiscal impact on state and local units of government. Information is not available on the number of persons who might be convicted under the provisions of the bill. New felony convictions resulting in imprisonment would result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year.

House Bills 6135 and 6136 would have no fiscal impact on the state or on local units of government.

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