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House Bill 4715 (Substitute S-1 as reported)  
House Bill 4716 (Substitute S-1 as reported)  
House Bill 4717 (Substitute S-1 as reported)  
Sponsor: Representative Kurt Heise (H.B. 4715)  
Representative Joseph Graves (H.B. 4716)  
Representative Klint Kesto (H.B. 4717)  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

House Bill 4715 (S-1) would amend the Michigan Penal Code to do the following:

- Prohibit a person convicted of a felony or a specified felony from possessing, using, transporting, selling, carrying, shipping, or distributing ammunition until either three years or five years after meeting certain criteria.
- Prescribe a felony penalty for a violation of that prohibition.
- Specify that a single criminal transaction of possessing, using, transporting, selling, carrying, shipping, or distributing ammunition would be one offense.

Under the Code, a person convicted of a "felony" may not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in Michigan until three years after he or she pays all fines imposed for the violation; serves all terms of imprisonment imposed for the violation; and successfully completes all conditions of probation or parole. A person convicted of a "specified felony" may not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in Michigan until five years after he or she meets those criteria, and his or her rights are restored under the handgun licensure law.

As used in those provisions, "felony" means a violation of a law of this State, another state, or the United States that is punishable by imprisonment for four years or more, or an attempt to violate such a law. A "specified felony" is a felony in which particular circumstances exist (e.g., an element of the felony is the unlawful possession or distribution of a firearm).

Under the bill, a person convicted of a felony could not possess, use, transport, sell, carry, ship, or distribute ammunition in Michigan until three years after he or she met the criteria described above. A person convicted of a specified felony could not possess, use, transport, sell, carry, ship, or distribute ammunition in Michigan until five years after he or she met those criteria, and his or her rights were restored under the handgun licensure law. The bill would define "ammunition" as any projectile that, in its current state, may be expelled from a firearm by an explosive.

Currently, a person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm in violation of the provisions described above is guilty of a felony punishable by up to five years' imprisonment and/or a maximum fine of \$5,000. The

bill would apply the same penalty to a violation of the proposed provisions regarding ammunition.

House Bill 4716 (S-1) would amend the Code of Criminal Procedure to include the felony penalty proposed by House Bill 4715 (S-1) in the sentencing guidelines. Currently, possession or sale of a firearm by a felon is a Class E public safety felony with a statutory maximum sentence of five years' imprisonment. The bill would include the same sentencing guidelines designation for possession or sale of ammunition by a felon.

House Bill 4717 (S-1) would amend the handgun licensure law to provide for the restoration of the rights of a person to possess, use, transport, sell, carry, ship, or distribute ammunition, if he or she had been prohibited from doing so under the Penal Code (pursuant to House Bill 4715 (S-1)).

Under the handgun licensure law, a person who is prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm because he or she was convicted of a specified felony may apply to the concealed weapons licensing board in the county in which he or she lives for restoration of those rights.

Under the bill, a person who was prohibited from possessing, using, transporting, selling, carrying, shipping, or distributing ammunition because he or she was convicted of a specified felony also could apply to the concealed weapons licensing board in the county in which he or she lived for restoration of those rights.

The bill also would extend to the restoration of ammunition rights provisions that do the following concerning the restoration of firearm rights: allow only one application to be submitted in any calendar year; allow the concealed weapons licensing board to charge a maximum fee of \$10 for expenses; require the board to restore a person's firearm rights if certain criteria are met; and allow a person to petition the circuit court for review of the board's refusal to restore rights.

House Bills 4716 (S-1) and 4717 (S-1) are tie-barred to House Bill 4715. All of the bills would take effect 90 days after their enactment.

MCL 750.224f (H.B. 4715)  
777.16m (H.B. 4716)  
28.424 (H.B. 4717)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

House Bills 4715 (S-1) and 4716 (S-1) would create a new felony offense with a sentence of up to five years and a fine of up to \$5,000. While it is impossible to estimate the number of people who would be convicted of this offense or the average sentence, each prisoner year of incarceration would have a cost of approximately \$35,000 to the State. Fine revenue would benefit public libraries.

House Bill 4717 (S-1) would have no fiscal impact on State or local government.

Date Completed: 1-15-14

Fiscal Analyst: Steve Angelotti  
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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.