

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4715

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 person
2 convicted of a felony shall not possess, use, transport, sell,
3 purchase, carry, ship, receive, or distribute a firearm in this
4 state until the expiration of 3 years after all of the following
5 circumstances exist:

6 (a) The person has paid all fines imposed for the violation.

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

9 (c) The person has successfully completed all conditions of

1 probation or parole imposed for the violation.

2 (2) A person convicted of a specified felony shall not
3 possess, use, transport, sell, purchase, carry, ship, receive, or
4 distribute a firearm in this state until all of the following
5 circumstances exist:

6 (a) The expiration of 5 years after all of the following
7 circumstances exist:

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

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

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

13 (b) The person's right to possess, use, transport, sell,
14 purchase, carry, ship, receive, or distribute a firearm has been
15 restored pursuant to ~~UNDER~~ section 4 of Act No. 372 of the Public
16 Acts of 1927, being section 28.424 of the Michigan Compiled
17 Laws, 1927 PA 372, MCL 28.424.

18 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A PERSON CONVICTED
19 OF A FELONY SHALL NOT POSSESS, USE, TRANSPORT, SELL, CARRY, SHIP,
20 OR DISTRIBUTE AMMUNITION IN THIS STATE UNTIL THE EXPIRATION OF 3
21 YEARS AFTER ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

22 (A) THE PERSON HAS PAID ALL FINES IMPOSED FOR THE VIOLATION.

23 (B) THE PERSON HAS SERVED ALL TERMS OF IMPRISONMENT IMPOSED
24 FOR THE VIOLATION.

25 (C) THE PERSON HAS SUCCESSFULLY COMPLETED ALL CONDITIONS OF
26 PROBATION OR PAROLE IMPOSED FOR THE VIOLATION.

27 (4) A PERSON CONVICTED OF A SPECIFIED FELONY SHALL NOT

1 POSSESS, USE, TRANSPORT, SELL, CARRY, SHIP, OR DISTRIBUTE
2 AMMUNITION IN THIS STATE UNTIL ALL OF THE FOLLOWING CIRCUMSTANCES
3 EXIST:

4 (A) THE EXPIRATION OF 5 YEARS AFTER ALL OF THE FOLLOWING
5 CIRCUMSTANCES EXIST:

6 (i) THE PERSON HAS PAID ALL FINES IMPOSED FOR THE VIOLATION.

7 (ii) THE PERSON HAS SERVED ALL TERMS OF IMPRISONMENT IMPOSED
8 FOR THE VIOLATION.

9 (iii) THE PERSON HAS SUCCESSFULLY COMPLETED ALL CONDITIONS OF
10 PROBATION OR PAROLE IMPOSED FOR THE VIOLATION.

11 (B) THE PERSON'S RIGHT TO POSSESS, USE, TRANSPORT, SELL,
12 PURCHASE, CARRY, SHIP, RECEIVE, OR DISTRIBUTE AMMUNITION HAS BEEN
13 RESTORED UNDER SECTION 4 OF 1927 PA 372, MCL 28.424.

14 (5) ~~(3)~~—A person who possesses, uses, transports, sells,
15 purchases, carries, ships, receives, or distributes a firearm in
16 violation of this section is guilty of a felony ~~—~~punishable by
17 imprisonment for not more than 5 years ~~—~~or a fine of not more than
18 \$5,000.00, or both.

19 (6) A PERSON WHO POSSESSES, USES, TRANSPORTS, SELLS, CARRIES,
20 SHIPS, OR DISTRIBUTES AMMUNITION IN VIOLATION OF THIS SECTION IS
21 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5
22 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

23 (7) ANY SINGLE CRIMINAL TRANSACTION WHERE A PERSON POSSESSES,
24 USES, TRANSPORTS, SELLS, CARRIES, SHIPS, OR DISTRIBUTES AMMUNITION
25 IN VIOLATION OF THIS SECTION, REGARDLESS OF THE AMOUNT OF
26 AMMUNITION INVOLVED, CONSTITUTES 1 OFFENSE.

27 (8) ~~(4)~~—This section does not apply to a conviction that has

1 been expunged or set aside, or for which the person has been
2 pardoned, unless the expunction, order, or pardon expressly
3 provides that the person shall not possess a firearm **OR AMMUNITION**.

4 (9) ~~(5)~~—As used in this section: ~~,"felony"~~

5 (A) **"AMMUNITION" MEANS ANY PROJECTILE THAT, IN ITS CURRENT**
6 **STATE, MAY BE EXPELLED FROM A FIREARM BY AN EXPLOSIVE.**

7 (B) **"FELONY"** means a violation of a law of this state, or of
8 another state, or of the United States that is punishable by
9 imprisonment for 4 years or more, or an attempt to violate such a
10 law.

11 (10) ~~(6)~~—As used in ~~subsection~~**SUBSECTIONS (2) AND (4)**,
12 "specified felony" means a felony in which 1 or more of the
13 following circumstances exist:

14 (A) ~~(i)~~—An element of that felony is the use, attempted use, or
15 threatened use of physical force against the person or property of
16 another, or that by its nature, involves a substantial risk that
17 physical force against the person or property of another may be
18 used in the course of committing the offense.

19 (B) ~~(ii)~~—An element of that felony is the unlawful manufacture,
20 possession, importation, exportation, distribution, or dispensing
21 of a controlled substance.

22 (C) ~~(iii)~~—An element of that felony is the unlawful possession
23 or distribution of a firearm.

24 (D) ~~(iv)~~—An element of that felony is the unlawful use of an
25 explosive.

26 (E) ~~(v)~~—The felony is burglary of an occupied dwelling, or
27 breaking and entering an occupied dwelling, or arson.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.