

**SUBSTITUTE FOR
SENATE BILL NO. 471**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 224f (MCL 750.224f), as amended by 2014 PA 4.

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 under section 4 of 1927 PA 372, MCL 28.424.

16 (3) Except as provided in subsection (4), a person convicted
17 of a felony shall not possess, use, transport, sell, carry, ship,
18 or distribute ammunition in this state until the expiration of 3
19 years after all of the following circumstances exist:

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

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

23 (c) The person has successfully completed all conditions of
24 probation or parole imposed for the violation.

25 (4) A person convicted of a specified felony shall not
26 possess, use, transport, sell, carry, ship, or distribute
27 ammunition in this state until all of the following circumstances
28 exist:

29 (a) The expiration of 5 years after all of the following

1 circumstances exist:

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

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

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

7 (b) The person's right to possess, use, transport, sell,
8 purchase, carry, ship, receive, or distribute ammunition has been
9 restored under section 4 of 1927 PA 372, MCL 28.424.

10 **(5) A person convicted of a misdemeanor involving domestic**
11 **violence shall not possess, use, transport, sell, purchase, carry,**
12 **ship, receive, or distribute a firearm or ammunition in this state**
13 **until the expiration of 8 years after all of the following**
14 **circumstances exist:**

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

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

18 (c) The person has successfully completed all conditions of
19 probation imposed for the violation.

20 (6) ~~(5)~~—A person who possesses, uses, transports, sells,
21 purchases, carries, ships, receives, or distributes a firearm in
22 violation of this section is guilty of a felony punishable by
23 imprisonment for not more than 5 years or a fine of not more than
24 \$5,000.00, or both.

25 (7) ~~(6)~~—A person who possesses, uses, transports, sells,
26 carries, ships, or distributes ammunition in violation of this
27 section is guilty of a felony punishable by imprisonment for not
28 more than 5 years or a fine of not more than \$5,000.00, or both.

29 (8) ~~(7)~~—Any single criminal transaction where a person

1 possesses, uses, transports, sells, carries, ships, or distributes
 2 ammunition in violation of this section, regardless of the amount
 3 of ammunition involved, constitutes 1 offense.

4 **(9)** ~~(8)~~—This section does not apply to a conviction that has
 5 been expunged or set aside, or for which the person has been
 6 pardoned, unless the expunction, order, or pardon expressly
 7 provides that the person shall not possess a firearm or ammunition.

8 **(10)** ~~(9)~~—As used in this section:

9 (a) "Ammunition" means any projectile that, in its current
 10 state, may be expelled from a firearm by an explosive.

11 (b) "Felony" means a violation of a law of this state, or of
 12 another state, or of the United States that is punishable by
 13 imprisonment for ~~4 years or more~~, **a term exceeding 1 year**, or an
 14 attempt to violate such a law.

15 (c) **"Misdemeanor involving domestic violence" means a**
 16 **violation of any of the following:**

17 (i) Section 81(2).

18 (ii) Section 81(4) if both the violation of section 81(4) and
 19 the previous conviction were for assaulting or assaulting and
 20 battering an individual described in section 81(2).

21 (iii) Section 81a(2).

22 (iv) Section 115(2).

23 (v) Section 145n(5).

24 (vi) Section 377a(1) (d) or (f).

25 (vii) Section 380(5) or (7).

26 (viii) Section 411h(2) (c).

27 (ix) Section 540e(1) (h).

28 (x) An ordinance, a law of another state, or a law of the
 29 United States that substantially corresponds to a violation listed

1 in subparagraphs (i) to (ix).

2 (xi) An ordinance, a law of another state, or a law of the
3 United States that is specifically designated as domestic violence.

4 (d) ~~(10) As used in subsections (2) and (4), "specified~~
5 "Specified felony" means a felony in which 1 or more of the
6 following circumstances exist:

7 (i) ~~(a)~~ An element of that felony is the use, attempted use, or
8 threatened use of physical force against the person or property of
9 another, or that by its nature ~~—~~ involves a substantial risk that
10 physical force against the person or property of another may be
11 used in the course of committing the offense.

12 (ii) ~~(b)~~ An element of that felony is the unlawful manufacture,
13 possession, importation, exportation, distribution, or dispensing
14 of a controlled substance.

15 (iii) ~~(c)~~ An element of that felony is the unlawful possession
16 or distribution of a firearm.

17 (iv) ~~(d)~~ An element of that felony is the unlawful use of an
18 explosive.

19 (v) ~~(e)~~ The felony is burglary of an occupied dwelling, ~~or~~
20 breaking and entering an occupied dwelling, or arson.

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. 528 of the 102nd Legislature is enacted into
23 law.