

Legislative Analysis



BAN FELONS FROM POSSESSING AMMUNITION

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House Bill 4715 (Substitute H-1 as amended)
Sponsor: Rep. Kurt Heise

House Bill 4716 (Substitute H-1)
Sponsor: Rep. Joseph Graves

House Bill 4717 (Substitute H-1)
Sponsor: Rep. Klint Kesto

Committee: Judiciary
Complete to 11-11-13

A SUMMARY OF HOUSE BILLS 4715- 4717 AS AMENDED ON THE HOUSE FLOOR

Under the Michigan Penal Code, certain individuals convicted of felonies are prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm for a certain length of time, depending on the nature of the offense.

House Bill 4715 would amend the provision (MCL 750.224f) to make this also apply to ammunition, defined to mean any projectile that, in its current state, may be expelled from a firearm by an explosive. A violation is a five-year felony. ["Felony," for the purposes of the unlawful conduct regarding firearms and ammunition, means a violation or attempted violation of a Michigan or other state law or federal law that is punishable by imprisonment for four or more years.]

House Bill 4716 would make a complementary amendment to the sentencing guidelines in the Code of Criminal Procedure (MCL 777.16m).

House Bill 4717 would amend Public Act 372 of 1927, which deals with the restoration of rights to possess, use, purchase, sell, etc. firearms (MCL 28.424), to allow a person who is prohibited from possessing, using, transporting, selling, carrying, shipping, or distributing ammunition under the provisions of House Bill 4715 to apply to his or her county concealed weapons licensing board for restoration of those rights. The board would be bound to restore the person's rights regarding ammunition under the same statutory conditions that currently pertain to firearms.

House Bills 4716 and 4717 are tie-barred to House Bill 4715, meaning they could not take effect unless House Bill 4715 is also enacted.

FISCAL IMPACT:

To the extent that the bill results in a greater number of convictions, it would increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. New felony convictions would result in increased costs related to state prisons, county jails, and/or state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and

operational costs. The costs of local incarceration in a county jail and local probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

BRIEF DISCUSSION OF THE BILLS:

The stated intent of the bill package is to close a loophole in law whereby individuals prohibited from having a gun can lawfully have bullets. It would seem reasonable that a person who cannot lawfully have a firearm would have no reason to have ammunition; therefore, since having ammunition is a separate act, it should be a separate crime. Thus, under the bills, certain felons would be prohibited from having either a firearm or ammunition.

Some, however, are concerned that the bill may result in the "piling on" of charges. For instance, a felon under the prohibition could be arrested and charged with two crimes: possessing a gun and having bullets in that gun, each charge carrying up to five years in prison.

POSITIONS:

A representative of the Michigan Association of Chiefs of Police and the Michigan Sheriffs Association testified in support of the bills. (10-17-13)

The Department of State Police indicated support for the bills. (10-17-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.