



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 471 and 472 (as introduced 9-7-23)
Sponsor: Senator Stephanie Chang
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 9-13-23

CONTENT

Senate Bill 471 would amend the Michigan Penal Code to prohibit a person convicted of a misdemeanor that involved domestic violence from generally possessing or using a firearm or ammunition in the State until the person completed the terms of imprisonment and parole or probation, paid all fines, and eight years had passed.

Senate Bill 472 would amend the Code of Criminal Procedure to prescribe sentencing guidelines for the possession or sale of a firearm or ammunition by a prohibited person.

Senate Bill 472 is tie-barred to Senate Bill 471.

Senate Bill 471

Among other things, the Penal Code prohibits a person convicted of specified crimes from using or possessing a firearm until that person meets conditions prescribed by the Code. For example, a person convicted of a felony may not use or possess a firearm until the person has paid all fines, served all terms of imprisonment, successfully completed all conditions of probation or parole, and three years have passed after doing such. The Code prescribes a felony punishable by up to five years or a fine of not more than \$5,000, or both, for a violation of this prohibition.

Under the bill, a person convicted of a misdemeanor involving domestic violence could not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition in Michigan until the person met all the requirements described above and eight years had passed after meeting them. The penalty described above also would apply to a violation of the bill's prohibition.

"Misdemeanor involving domestic violence" would mean a misdemeanor that is punishable by imprisonment for no more than one year and is one of the following offenses:

- Assault and battery.
- Assault without a weapon that inflicts serious or aggravated injury upon an individual without intent to commit murder or to inflict great bodily harm.
- Breaking and entering or entering without breaking any dwelling without first obtaining permission.
- Vulnerable adult abuse.
- Willful and malicious destruction of personal property of another person.
- Willful and malicious destruction of another person's house, barn, or other building or its appurtenances.
- Stalking.
- Criminal sexual conduct in the fourth degree.

- Use of any telecommunications service with intent to terrorize, intimidate, or harass another person.
- A violation of an ordinance, law of another state, or Federal law that substantially corresponded with the violations listed above.
- A violation of an ordinance, law of another state, or Federal law specifically designated as domestic violence.

In addition to meeting the circumstances described above, the misdemeanor would have to include any of the following:

- The victim is the convicted person's spouse or former spouse.
- The victim has or had a dating relationship with the convicted person.
- The victim has or had a child in common with the convicted person.
- The victim is a resident or former resident of the convicted person's household.
- The convicted person is the victim's parent or guardian.

("Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.)

Senate Bill 472

Under the Code of Criminal Procedure, the possession or sale of a firearm or ammunition by a felon is a Class E felony against the public safety with a maximum of five years' imprisonment. The bill would modify these provisions, and instead, the possession or sale of a firearm or ammunition by a *prohibited person* would be a Class E felony against the public safety with a maximum of five years' imprisonment.

MCL 750.224f (S.B. 471)
777.16m (S.B. 472)

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

Senate Bill 471 is similar to Senate Bill 678 and House Bill 5372 of the 2021-2022 Legislative Session. Senate Bill 472 is a reintroduction of Senate Bill 679 and House Bill 5371 of the 2021-2022 Legislative Session.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. The bill would add a person convicted of a misdemeanor involving domestic violence to the list of persons who are not allowed to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition until certain conditions outlined in the bill have been met. Violations of the proposed provisions would add new felony arrests and convictions and could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$4,200 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates range from \$98 to \$192 per day, depending on the security

level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Joe Carrasco, Jr.
Michael Siracuse

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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.