



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW

Felon in possession statute amended to prohibit ammunition in addition to firearms.

Public Act 4 of 2014, effective May 12, 2014, amended the Firearms chapter of the Michigan Penal Code, MCL 750.224f, by prohibiting certain individuals convicted of felonies from possessing, using, transporting, selling, carrying, shipping, or distributing ammunition or firearms in Michigan.

For purposes of MCL 750.224f, the following terms have the following meaning:

“Ammunition” means any projectile that, in its current state, may be expelled from a firearm by an explosive.

“Firearm” means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 caliber by spring, gas, or air. The firearm does not have to be currently operable to qualify as a firearm under this statute.

“Felony” means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for four years or more, or an attempt to violate such a law. Accordingly, a conviction for a crime that is punishable by imprisonment for less than four years, or a conviction for an attempt to commit a crime punishable by less than four years imprisonment would not prohibit a person under this statute.

The length of time a person is prohibited is based on the type of felony conviction. A person convicted of a “specified felony” is prohibited from possessing, using, transporting, selling, carrying, shipping, or distributing firearms or ammunition until all of the following circumstances exist:

- (a) The expiration of five years after all of the following circumstances exist:
 - (i) The person has paid all fines imposed for the violation.
 - (ii) The person has served all terms of imprisonment imposed for the violation.

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

- (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm and ammunition has been restored by a concealed weapons licensing board under MCL 28.424.

The term “specified felony” is defined in MCL 750.224f(10) and includes, but is not limited to, felonies where an element of the felony is the use, attempted use, or threatened use, of physical force against the person or property of another; felonies where an element is the unlawful manufacture, possession, importation, exportation, distribution, or dispensing of a controlled substance; felonies where an element is the unlawful possession or distribution of a firearm; felonies where an element is the unlawful use of an explosive; and burglary of an occupied dwelling, breaking and entering an occupied dwelling and arson.

A person convicted of a non-specified felony is prohibited from possessing, using, transporting, selling, carrying, shipping, or distributing firearms or ammunition until the expiration of three years after all of the following circumstances exist:

- (a) The person has paid all fines imposed for the violation.
- (b) The person has served all terms of imprisonment imposed for the violation.
- (c) The person has successfully completed all conditions of probation or parole imposed for the violation.

A person convicted of a non-specified felony does not need to have his or her firearm and ammunition rights restored by a concealed weapons licensing board. His or her rights to possess a firearm and ammunition, under Michigan law, are automatically restored three years after all of the above circumstances exist.

Officers are reminded that MCL 750.224f details a person's eligibility under Michigan law. A person convicted of a felony, who may lawfully possess a firearm and ammunition under Michigan law, may still be prohibited from possessing a firearm and ammunition under federal law.

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