

HOUSE BILL No. 4804

May 22, 2001, Introduced by Reps. Gosselin, Drolet, Stewart, Cassis, Pappageorge, Kooiman, Richner and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 357b (MCL 750.357b), as added by 1990 PA
321.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 357b. (1) A person who commits larceny by stealing the
2 firearm of another person is guilty of a ~~felony~~, CRIME AS
3 FOLLOWS:

4 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
5 GUILTY OF A FELONY punishable by imprisonment for not more than 5
6 years or ~~by~~ a fine of not more than \$2,500.00, or both.

7 (B) IF THE FIREARM IS SUBSEQUENTLY USED BY THAT PERSON OR
8 ANY OTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT A FELONY, THE
9 PERSON IS GUILTY OF A FELONY PUNISHABLE BY THE SAME PENALTY AS
10 THE FELONY COMMITTED OR ATTEMPTED. FOR PURPOSES OF SECTION 24 OF

1 CHAPTER VII OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
2 767.24, A VIOLATION OF THIS SUBDIVISION IS COMMITTED AT THE TIME
3 THE FELONY INVOLVING THE USE OF THE FIREARM IS COMMITTED OR
4 ATTEMPTED.

5 (2) A CONVICTION FOR A VIOLATION OF SUBSECTION (1)(A) DOES
6 NOT PRECLUDE A SUBSEQUENT PROSECUTION AND CONVICTION FOR A VIOLA-
7 TION OF SUBSECTION (1)(B).