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GOVERNOR

STATE OF MICHIGAN
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
LANSING

TIMOTHY S. BOURGEOIS
EXECUTIVE DIRECTOR

May 16, 2024

Dear Law Enforcement Community,

The Michigan Commission on Law Enforcement Standards has received several questions about the effects of the recent passage of Public Act 201 of 2023 (MCL 750.244f) particularly with respect to its effects on both currently licensed officers and on candidates seeking to enter the licensing process. The law became effective on **February 13, 2024**, and bans anyone with a conviction for a “*misdemeanor crime involving domestic violence*” (MCIDV – see page 2) from possessing firearms. Here are answers to commonly asked questions:

What happens if I have a licensed officer who has a MCIDV within eight years?

Each agency will need to make its own employment decision and/or assignments for officers who are not eligible to possess firearms due to a MCIDV conviction.

The Commission believes that MCL 750.224f applies to all MCIDV convictions that occurred within 8 years of the individual’s completion of probation and payment of all assigned fees. As such, it would be unlawful for a licensed law enforcement officer with a MCIDV conviction within that time period to possess a firearm. However, several of the enumerated MCIDV in the statute are not crimes for which the Commission can revoke the officer’s license under MCL 28.609(12). Therefore, it is up to the employing agency to determine the proper course of action for employees who hold an active law enforcement license and now cannot possess firearms.

Why are candidates with qualifying MCIDV convictions automatically ineligible for academy or the Recognition of Prior Basic Training and Experience (RPTE) program enrollment?

Different than officers in an active license status, unlicensed candidates will not be given access to the licensing process, either to a basic police academy or RPTE, if they have been convicted of a MCIDV and less than 8 years have passed since completing the entirety of their probation, any terms of incarceration, and paid fines. Since those individuals by law cannot possess firearms, it is not possible for them to successfully complete the Commission’s approved course of study.

Director Kimberly Koster, Chair • Sheriff Anthony Wickersham, Vice-Chair • Lt. Col. Michael A. Krumm representing Col. James F. Grady II
Deputy Matthew Hartig • Mr. Michael Wendling • Mr. David Tanay representing Attorney General Dana Nessel • Officer Linda Broden • Tpr. Nate Johnson
Mr. Arthur Weiss • Second Assistant Chief Grant Ha representing Chief James E. White • Ms. Chianté Lymon • Dr. Lisa R. Jackson • Lt. Michael Hawkins
Mr. Kenneth Grabowski • Mr. Michael Sauger • Sheriff Matthew Saxton • Mr. James Stachowski • Deputy Director Ronald Wiles • Chief Issa Shahin
Pastor Tellis J. Chapman • Pastor Jeffery A. Hawkins • Sheriff Gregory Zyburt • Mr. Anthony D. Lewis representing Mr. John E. Johnson

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MCL 750.224f states:

An individual with a MCIDV conviction “shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition in this state until the expiration of 8 years” after the individual completes probation, any term of incarceration, and pays all assigned fines.

Does MCL 750.22f apply to MCIDV convictions that occurred before the effective date of February 13, 2024?

It is the Commission’s interpretation and belief that MCL 750.224 does apply to MCIDV convictions that occurred before the Act’s effective date of February 13, 2024.

In the same bill package, the Legislature amended MCL 28.422 to require individuals wishing to buy a long gun to first obtain a purchase permit. Unlike MCL 750.224f, the Legislature specifically provided that “this subdivision does not apply to the purchase or acquisition of a firearm that occurred before the effective date of the amendatory act that added this subdivision.” MCL 29.422(2).

The Legislature was aware of how to apply the new prohibition only to MCIDV convictions that occurred after the effective date if it wished and chose not to do so. In a similar scenario, when the Legislature enacted 1992 PA 217 to criminalize the possession of a firearm by a convicted felon, that Act included possession of a firearm by individuals convicted of a felony before the Act’s effective date. The Commission therefore believes it was the legislature’s intent to apply this firearms prohibitor to those whose qualifying MCDIV convictions occurred prior to the effective date of the Act.

PA 201 of 2023 defines A Misdemeanor Crime Involving Domestic Violence (MCDIV) as any of the following:

- MCL 750.81(2); commonly known as domestic violence first offense.
- MCL 750.81(4); commonly known as domestic violence second offense.
- MCL 750.81a(2); commonly known as aggravated domestic violence.
- MCL 750.115(2); commonly known as Breaking and entering or entering without breaking; buildings, tents, boats, railroad cars; entering public buildings when expressly denied – with a domestic relationship.
- MCL 750.145n(5); commonly known as vulnerable adult abuse 4th degree.
- MCL 750.377a(1) (d or f); commonly known as malicious destruction of personal property – with a domestic relationship.
- MCL 750.380(5) or (7); commonly known as malicious destruction of property: house, barn or building of another – with a domestic relationship.
- MCL 750.411h(2)(c); commonly known as stalking – with a domestic relationship.
- MCL 750.540e(1)(h); commonly known as malicious use of service provided by a telecommunications service provider – with a domestic relationship.
- An ordinance, a law of another state, or a law of the United States that substantially corresponds to a violation listed in the above nine statutes.

- An ordinance, a law of another state, or a law of the United States that is specifically designated as domestic violence.

We hope this information assists you. Should you have additional questions please do not hesitate to contact the Commission at MSP-MCOLES@michigan.gov or call 517-636-7864.

Respectfully,

A handwritten signature in black ink that reads "Timothy S. Bourgeois". The signature is written in a cursive style with a large initial 'T' and 'B'.

Timothy S. Bourgeois

Executive Director

Michigan Commission on Law Enforcement Standards