

Removing Guns From Domestic Abusers, Gun Magazine Caps Could Come Up Next In Capitol

The next phase of firearm-related proposals to be considered by Michigan legislators could include prohibiting those convicted of misdemeanor domestic violence crimes from possessing a gun, as well as capping how many rounds a sellable gun magazine can carry.

Following a fatal shooting that occurred on Michigan State University's campus in February, resulting in the death of three students, Democratic legislators accelerated the pace on delivering firearm reform proposals.

They consist of "Safe Storage" penalties for when an unstored gun is obtained by a minor, background checks for new long gun purchases from non-licensed firearms dealers and "Red Flag" legislation, installing a petition-and-court determination process for temporary gun removals. (See "[Democratic-Led Senate Approves All 11 Core Firearm Reform Bills.](#)" 3/16/2023).

As of April 13, Gov. [Gretchen WHITMER](#) has approved the first two proposals, with "Red Flag" legislation, creating a system for extreme risk protection orders (ERPO) within the state, still awaiting the Governor's likely signature.

With those gun policy reforms closing in on a complete victory, what will be introduced next within this Democratic-led Legislature?

"We're very excited about these endeavors being able to pass. The Governor has signed two of them. We have the third one heading to her desk, which is very exciting, and we've worked with our national partners throughout this process," said Rep. [Felicia BRABEC \(D-Ann Arbor\)](#), the chair of the legislative Michigan Firearm Safety and Violence Prevention Caucus. "The next (things) to consider are addressing the partner loophole that still exists, being able to look at liability of manufacturers ... also looking at community violence intervention (CVI) programs and how our communities can support those throughout the state."

Brabec spoke on today's episode of the *MIRS Monday* podcast, adding that a statewide firearm ban inside of Michigan's election polling places, the area immediately surrounding an absentee ballot dropbox and from an absent voter counting board might additionally be prioritized by her caucus.

As for the other items Brabec listed, legislation prohibiting someone charged with a misdemeanor connected to domestic violence from possessing a firearm for eight years was introduced in October 2021, and did not receive a hearing in either of its assigned House and Senate committees throughout last term.

"When you're convicted of a misdemeanor crime of domestic violence, federal law says that you can't purchase or possess a gun. Many states also have enacted similar laws. Michigan has not ... in our country, to enforce federal law, you need federal officers, so our state and local police officers are not necessarily looking to enforce federal law," said April ZEOLI, Ph.D., of the Institute for Firearm Injury Prevention at the University of Michigan.

Zeoli researches how intimate partner violence and homicide can be prevented through policy and law. This afternoon, she told *MIRS* one of the laws found to be associated with reductions in intimate partner homicide is a relinquishment provision a state can attach to its domestic violence restraining order – or in Michigan's case, a personal protection order law.

She clarified that while an individual can be prohibited from having guns on paper, it's not the same as a judge being equipped to order somebody to relinquish their firearms.

"There's nothing that says a judge has to order, or even can order, somebody to relinquish their guns, and so mostly we think people are just keeping their guns by default because nobody's checking," Zeoli said, explaining the difference between a domestic violence-related gun confiscation and an ERPO is that "it is the state saying that they can't have a gun, as opposed to that victim asking the state to say they can't have a gun ... so to some extent, it takes the responsibility off of the victim for that part of it ... the abuser may still hold them responsible for the conviction."

As for whether Michigan's new background check law will keep firearms out of the hands of domestic abusers, Zeoli said it depends on how quickly and how thoroughly that disqualifying misdemeanor conviction gets into the background check system.

"Even though Michigan doesn't have that law, when a background check is run, the federal prohibitors are taken into consideration. So they could still be prohibited from purchasing under federal law ... if it doesn't get into the background check system in a way that flags it as a disqualifying domestic violence conviction, then yeah, they could still purchase a gun," she said.

As for the cap on how many rounds a sellable gun magazine can carry, Rep. [Brenda CARTER \(D-Pontiac\)](#) told the media, following a Zoom event today hosted by the End Gun Violence Michigan Coalition, "we plan on reintroducing that legislation."

In December 2021, shortly after the Oxford High School shooting in Oakland County, resulting in the death of four students, the Firearm Safety and Violence Prevention Caucus (then chaired by Carter and Sen. [Rosemary BAYER \(D-Keego Harbor\)](#)) introduced legislation outlawing the sale and possession of gun magazines capable of holding more than 10 rounds of ammunition.

Under the proposal, exemptions would be given to those who owned such magazines before the legislation's effective date, as long as they reported having them to a local law enforcement agency. Members of the armed forces, law enforcement officers and armored car guards would additionally not be affected by last term's bills. (See ["Firearm Safety Caucus Introduces Gun Magazine Legislation, No More Than 10 Rounds Allowed."](#) 12/9/2021).

"We got no movement at all. We didn't get a hearing. We didn't get anything. Well, now we are very optimistic that a lot of things that we tried to implement – that could have saved countless lives, if we would have gotten that gun magazine capacity passed – will pass this session," Carter said. "So this is another one I'll probably end up taking up."