

Michigan Dept.
of Corrections
Program Bureau
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FIRST FINDINGS ON USE AND APPARENT IMPACT OF
FELONY FIREARM LEGISLATION

On January 1, 1977, a law became effective which mandates at least two years in prison for any person convicted of a felony while in possession of a firearm. There were two issues of particular concern to the Department of Corrections which called for some evaluation. The first is the number of persons this legislation would add to the prison population, which needs to be known to plan for housing of that population. The second is the deterrent impact of the law in preventing use of firearms in felony crime. The second issue is of concern because the department is often asked for information concerning the effectiveness of penal sanctions. While complete answers to both questions will take more time to develop, some preliminary analysis gives some information on both issues.

1. The impact of the law on prison population. We have information on the number of persons in prison at the end of the first eleven months of experience with this law. As of November 30, 1977, our computer printout indicates that there were 311 persons in prison who had been convicted under the "gun law". While this coding has not been audited, it is unlikely that more than a handful of cases would have been missed. The breakdown by county is as follows:

Wayne County	257 (83%)
Oakland County	24 (8%)
Genesee County	12 (4%)
Kent County	9 (3%)

The remaining 2% were distributed among the remaining counties of the state.

Of these 311 persons only 20 were serving under the firearms penalty alone.

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82% of those convicted under this law are nonwhite (compared with 55% nonwhite for all felony convictions).

Since it takes several months, on the average, between the commission of crime and a felony conviction, this data represents less than we would normally expect in eleven months when the law has been in effect longer. It is unlikely, however, that we will receive more than 200 cases a year under this law that would not have come to prison were it not in effect. By July of 1978, it should be possible to obtain a closer estimate by tabulating the number of persons who are serving on the firearm law alone.

2. Impact of the gun law on proportion of felonies in which firearms are used. To obtain information on this point we obtained presentence and sentence information for every person in the state sentenced for a felony during two sample periods:

One two-week period in 1976 (before gun law was in effect).

One two-week period in late 1977 (after gun law).

With respect to involvement of weapons, the results are as follows:

	1976	1977
Total Number Sentenced	683	539
Had Firearm In Possession*	73 (10.7%)	65 (12%)
Had Other Weapon In Possession*	44 (6.4%)	32 (5.9%)
% of those with Firearm in Possession Who Were Convicted Under Gun Law*	None — Not Applicable	19 (29.2%)

* Excludes CCW only

While there is a slight increase in the proportion with firearms, and a decrease with other weapons, these differences are insignificant; the only conclusion which can be drawn is that there is no observable impact on the proportion of felonies in which a weapon is used, or the type of weapon.

Note that about 29% of those with firearms were convicted — this is slightly higher than the 25% we had predicted before the law was enacted.

As of this writing, it may be noted that the press has published statistics from Wayne County indicating a reduction of the proportion of reported crimes in which weapons are involved. This may or may not be in conflict with the above findings. The Department of Corrections sample was of felony convictions, and it was state-wide, but covered only a two-week period. The Wayne County information covers only that county, but for the entire year. Reported crimes are obviously a different base than convictions. Reported crimes involving guns could conceivably be significantly reduced without this fact being reflected in convictions because of increased diligence in prosecution of crimes involving guns as a result of the new law. But the implications of the two studies are sufficiently different so that it is to be hoped some independent third party will audit both studies and make its own analysis and conclusions for the guidance of all concerned with policy in this area. We understand that a group from the University of Michigan has a federal grant to conduct an evaluation of the impact of this legislation, and we will hope their report, or that of other students of this issue, may answer any unresolved questions about the costs and impact of this legislation.

The research summarized above was performed by Terrence Murphy of the Program Bureau, Michigan Department of Corrections. Any questions about that research should be directed to the Program Bureau, attention of Mr. Murphy.

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