

SUBSTITUTE FOR  
HOUSE BILL NO. 4419

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 227b (MCL 750.227b), as amended by 2015 PA 26.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 227b. (1) A person who carries or has in his or her  
2 possession a firearm when he or she commits or attempts to commit a  
3 felony, except a violation of section 223, 227, 227a, or 230, is  
4 guilty of a felony and shall be punished by imprisonment for ~~2~~**NOT**  
5 **MORE THAN 3** years. Upon a second conviction under this subsection,  
6 the person shall be punished by imprisonment for 5 years. Upon a  
7 third or subsequent conviction under this subsection, the person  
8 shall be punished by imprisonment for 10 years.

9           (2) A person who carries or has in his or her possession a  
10 pneumatic gun and uses that pneumatic gun in furtherance of  
11 committing or attempting to commit a felony, except a violation of

1 section 223, 227, 227a, or 230, is guilty of a felony and shall be  
2 punished by imprisonment for ~~2~~**NOT MORE THAN 3** years. Upon a second  
3 conviction under this subsection, the person shall be punished by  
4 imprisonment for 5 years. Upon a third or subsequent conviction  
5 under this subsection, the person shall be punished by imprisonment  
6 for 10 years.

7 (3) **A TERM OF IMPRISONMENT FOR A FIRST CONVICTION UNDER THIS**  
8 **SECTION MAY BE SERVED EITHER CONCURRENTLY OR CONSECUTIVELY TO ANY**  
9 **TERM OF IMPRISONMENT IMPOSED FOR THE CONVICTION OF THE FELONY OR**  
10 **ATTEMPT TO COMMIT A FELONY.** A term of imprisonment ~~prescribed by~~  
11 **IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION UNDER** this section is  
12 in addition to the sentence imposed for the conviction of the  
13 felony or the attempt to commit the felony and shall be served  
14 consecutively with and preceding any term of imprisonment imposed  
15 for the conviction of the felony or attempt to commit the felony.

16 (4) ~~A term of imprisonment imposed under this section shall~~  
17 ~~not be suspended. The~~**EXCEPT FOR THE FIRST CONVICTION, THE** person  
18 subject to the sentence ~~mandated by~~**UNDER** this section is not  
19 eligible for parole or probation during the ~~mandatory~~ term imposed  
20 under subsection (1) or (2).

21 (5) This section does not apply to a law enforcement officer  
22 who is authorized to carry a firearm while in the official  
23 performance of his or her duties and who is in the performance of  
24 those duties. As used in this subsection, "law enforcement officer"  
25 means a person who is regularly employed as a member of a ~~duly~~**AN**  
26 authorized police agency or other organization of the United  
27 States, this state, or a city, county, township, or village of this

1 state and who is responsible for the prevention and detection of  
2 crime and the enforcement of the general criminal laws of this  
3 state.

4 Enacting section 1. This amendatory act takes effect 90 days  
5 after the date it is enacted into law.