

HOUSE BILL No. 5363

October 25, 2007, Introduced by Reps. Agema, Marleau, Gaffney, Acciavatti, Moss, Pavlov, Garfield, Meekhof, Nitz, Elsenheimer, LeBlanc, Opsommer, Ball, Walker and Amos and referred to the Committee on Transportation.

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending section 80f (MCL 259.80f), as added by 2001 PA 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80f. (1) An individual shall not possess, carry, or
2 attempt to possess or carry any of the following in a sterile area
3 of a commercial airport:

4 (a) Firearm.

5 (b) Explosive.

6 (c) Knife with a blade of any length.

7 (d) Razor, box cutter, or item with a similar blade.

8 (e) Dangerous weapon.

9 (2) Except as provided in subsection (3), an individual who
10 violates subsection (1) is guilty of a misdemeanor punishable by

1 imprisonment for not more than 1 year or a fine of not more than
2 \$1,000.00, or both.

3 (3) An individual who violates subsection (1) while doing any
4 of the following is guilty of a felony punishable by imprisonment
5 for not more than 10 years or a fine of not more than \$10,000.00,
6 or both:

7 (a) Getting on or attempting to get on an aircraft.

8 (b) Placing, attempting to place, or attempting to have placed
9 on an aircraft an item listed in subsection (1).

10 (c) Committing or attempting to commit a felony.

11 (4) This section does not apply to any of the following:

12 (a) A peace officer of a duly authorized police agency of this
13 state, a political subdivision of this state, another state, a
14 political subdivision of another state, or the United States.

15 (b) An individual regularly employed by the department of
16 corrections and authorized in writing by the director of the
17 department of corrections to possess or carry an item listed in
18 subsection (1) during the performance of his or her duties or while
19 going to or returning from his or her duties.

20 (c) A member of the United States army, air force, navy,
21 marine corps, or coast guard while possessing or carrying an item
22 listed in subsection (1) in the line of duty.

23 (d) A member of the national guard, armed forces reserves, or
24 other duly authorized military organization while on duty or drill
25 or while possessing or carrying an item listed in subsection (1)
26 for purposes of that military organization.

27 (e) Security personnel employed to enforce federal regulations

1 for access to a sterile area.

2 (f) A court officer while engaged in his or her duties as a
3 court officer as authorized by a court.

4 (g) An airline or airport employee as authorized by his or her
5 employer.

6 (5) This section does not prohibit the individual from being
7 charged with, convicted of, or punished for any other violation of
8 law committed by that individual while violating this section.

9 (6) A term of imprisonment imposed under this section may be
10 served consecutively to any other term of imprisonment imposed for
11 a violation of law arising out of the same transaction.

12 (7) As used in this section:

13 (a) "Commercial airport" means an airport that has regularly
14 scheduled commercial flights to and from other destinations.

15 (b) "Felony" means that term as defined in section 1 of
16 chapter I of the code of criminal procedure, 1927 PA 175, MCL
17 761.1, or a violation of a law of the United States that is
18 designated as a felony or that is punishable by death or by
19 imprisonment for more than 1 year.

20 (c) "Sterile area" means that term as defined in ~~14 C.F.R.~~
21 ~~107.1~~ **49 CFR 1540.5.**