

# HOUSE BILL No. 6404

August 25, 2010, Introduced by Reps. Roberts, Slavens, Wayne Schmidt, Tlaib, Neumann and Liss and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 2006 PA 401.

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

1           Sec. 231. (1) Except as provided in subsection (2), sections  
2 224, 224a, 224b, 224d, 226a, 227, 227c, and 227d do not apply to  
3 any of the following:

4           (a) A peace officer of an authorized police agency of the  
5 United States, of this state, or of a political subdivision of this  
6 state, who is regularly employed and paid by the United States,  
7 this state, or a political subdivision of this state.

8           (b) A person who is regularly employed by the state department

1 of corrections and who is authorized in writing by the director of  
2 the department of corrections to carry a concealed weapon while in  
3 the official performance of his or her duties or while going to or  
4 returning from those duties.

5 (c) A person employed by a private vendor that operates a  
6 youth correctional facility authorized under section 20g of 1953 PA  
7 232, MCL 791.220g, who meets the same criteria established by the  
8 director of the state department of corrections for departmental  
9 employees described in subdivision (b) and who is authorized in  
10 writing by the director of the department of corrections to carry a  
11 concealed weapon while in the official performance of his or her  
12 duties or while going to or returning from those duties.

13 (d) A member of the United States army, air force, navy, or  
14 marine corps or the United States coast guard while carrying  
15 weapons in the line of or incidental to duty.

16 (e) An organization authorized by law to purchase or receive  
17 weapons from the United States or from this state.

18 (f) A member of the national guard, armed forces reserve, the  
19 United States coast guard reserve, or any other authorized military  
20 organization while on duty or drill, or in going to or returning  
21 from a place of assembly or practice, while carrying weapons used  
22 for a purpose of the national guard, armed forces reserve, United  
23 States coast guard reserve, or other duly authorized military  
24 organization.

25 (g) A security employee employed by the state and granted  
26 limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

27 (h) A motor carrier officer appointed under section 6d of 1935

1 PA 59, MCL 28.6d.

2 (I) A RAILROAD POLICE OFFICER APPOINTED AND COMMISSIONED UNDER  
3 THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.101 TO 462.451,  
4 WHILE IN THE OFFICIAL PERFORMANCE OF HIS OR HER DUTIES.

5 (2) As applied to section 224a(1) only, subsection (1) is not  
6 applicable to an individual included under subsection (1)(a), (b),  
7 or (c) unless he or she has been trained on the use, effects, and  
8 risks of using a portable device or weapon described in section  
9 224a(1).

10 Enacting section 1. This amendatory act does not take effect  
11 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
12 06833'10 a) of the 95th Legislature is enacted into law.