

HOUSE BILL No. 4772

July 14, 2015, Introduced by Rep. Gamrat and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 237a (MCL 750.237a), as amended by 2015 PA 26;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 237a. (1) An individual who engages in conduct proscribed
2 under section 224, 224a, 224b, 224c, 224e, 226, ~~227, 227a, 227f,~~
3 234a, 234b, or 234c ~~, or who engages in conduct proscribed under~~
4 ~~section 223(2) for a second or subsequent time,~~ in a weapon free
5 school zone is guilty of a felony punishable by 1 or more of the
6 following:

7 (a) Imprisonment for not more than the maximum term of
8 imprisonment authorized for the section violated.

9 (b) Community service for not more than 150 hours.

10 (c) A fine of not more than 3 times the maximum fine

1 authorized for the section violated.

2 (2) An individual who engages in conduct proscribed under
3 section ~~223(1), 224d, 226a, 227e, 227d, 231c, 232a(1) or (4), 233,~~
4 234, 234e, 234f, 235, 236, or 237 ~~, or who engages in conduct~~
5 ~~proscribed under section 223(2) for the first time,~~ in a weapon
6 free school zone is guilty of a misdemeanor punishable by 1 or more
7 of the following:

8 (a) Imprisonment for not more than the maximum term of
9 imprisonment authorized for the section violated or 93 days,
10 whichever is greater.

11 (b) Community service for not more than 100 hours.

12 (c) A fine of not more than \$2,000.00 or the maximum fine
13 authorized for the section violated, whichever is greater.

14 (3) Subsections (1) and (2) do not apply to conduct proscribed
15 under a section enumerated in those subsections to the extent that
16 the proscribed conduct is otherwise exempted or authorized under
17 this chapter.

18 (4) Except as provided in subsection (5), an individual who
19 possesses a weapon in a weapon free school zone is guilty of a
20 misdemeanor punishable by 1 or more of the following:

21 (a) Imprisonment for not more than 93 days.

22 (b) Community service for not more than 100 hours.

23 (c) A fine of not more than \$2,000.00.

24 (5) Subsection (4) does not apply to any of the following:

25 (a) An individual employed by or contracted by a school if the
26 possession of that weapon is to provide security services for the
27 school.

1 (b) A peace officer.

2 (c) An individual licensed by this state or another state to
3 carry a concealed weapon.

4 (d) An individual who possesses a weapon provided by a school
5 or a school's instructor on school property for purposes of
6 providing or receiving instruction in the use of that weapon.

7 (e) An individual who possesses a firearm on school property
8 if that possession is with the permission of the school's principal
9 or an agent of the school designated by the school's principal or
10 the school board.

11 (f) An individual who is 18 years of age or older who is not a
12 student at the school and who possesses a firearm on school
13 property while transporting a student to or from the school if any
14 of the following apply:

15 (i) The individual is carrying an antique firearm, completely
16 unloaded, in a wrapper or container in the trunk of a vehicle while
17 en route to or from a hunting or target shooting area or function
18 involving the exhibition, demonstration or sale of antique
19 firearms.

20 (ii) The individual is carrying a firearm unloaded in a
21 wrapper or container in the trunk of the person's vehicle, while in
22 possession of a valid Michigan hunting license or proof of valid
23 membership in an organization having shooting range facilities, and
24 while en route to or from a hunting or target shooting area.

25 (iii) The person is carrying a firearm unloaded in a wrapper
26 or container in the trunk of the person's vehicle from the place of
27 purchase to his or her home or place of business or to a place of

1 repair or back to his or her home or place of business, or in
2 moving goods from one place of abode or business to another place
3 of abode or business.

4 (iv) The person is carrying an unloaded firearm in the
5 passenger compartment of a vehicle that does not have a trunk, if
6 the person is otherwise complying with the requirements of
7 subparagraph (ii) or (iii) and the wrapper or container is not
8 readily accessible to the occupants of the vehicle.

9 (6) As used in this section:

10 (a) "Antique firearm" means either of the following:

11 (i) A firearm not designed or redesigned for using rimfire or
12 conventional center fire ignition with fixed ammunition and
13 manufactured in or before 1898, including a matchlock, flintlock,
14 percussion cap, or similar type of ignition system or a replica of
15 such a firearm, whether actually manufactured before or after the
16 year 1898.

17 (ii) A firearm using fixed ammunition manufactured in or
18 before 1898, for which ammunition is no longer manufactured in the
19 United States and is not readily available in the ordinary channels
20 of commercial trade.

21 (b) "School" means a public, private, denominational, or
22 parochial school offering developmental kindergarten, kindergarten,
23 or any grade from 1 through 12.

24 (c) "School property" means a building, playing field, or
25 property used for school purposes to impart instruction to children
26 or used for functions and events sponsored by a school, except a
27 building used primarily for adult education or college extension

1 courses.

2 (d) "Weapon" includes, but is not limited to, a pneumatic gun.

3 (e) "Weapon free school zone" means school property and a
4 vehicle used by a school to transport students to or from school
5 property.

6 Enacting section 1. Sections 223, 227, 227a, 227c, 227d, 228,
7 231, 231a, 232a, and 234d of the Michigan penal code, 1931 PA 328,
8 MCL 750.223, 750.227, 750.227a, 750.227c, 750.227d, 750.228,
9 750.231, 750.231a, 750.232a, and 750.234d, are repealed.