

SENATE BILL No. 561

October 13, 2015, Introduced by Senator MEEKHOF and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 234d and 237a (MCL 750.234d and 750.237a),
section 234d as amended by 1994 PA 158 and section 237a as amended
by 2015 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 234d. (1) Except as provided in subsection (2), a person
2 shall not possess a firearm on the premises of any of the
3 following:

4 (a) A depository financial institution or a subsidiary or
5 affiliate of a depository financial institution.

6 (b) A church or other house of religious worship.

7 (c) A court.

1 (d) A theatre.

2 (e) A sports arena **OR STADIUM**.

3 (f) A day care center.

4 (g) A hospital.

5 (h) ~~An establishment licensed under the Michigan liquor~~
6 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~
7 ~~1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.~~
8 **A BAR OR TAVERN LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF**
9 **1998, 1998 PA 58, MCL 436.1101 TO 436.2303, WHERE THE PRIMARY**
10 **SOURCE OF INCOME OF THE BUSINESS IS THE SALE OF ALCOHOLIC LIQUOR BY**
11 **THE GLASS AND CONSUMED ON THE PREMISES.**

12 (2) This section does not apply to any of the following:

13 (a) A person who owns, or is employed by or contracted by, an
14 entity described in subsection (1) if the possession of that
15 firearm is to provide security services for that entity.

16 (b) A peace officer.

17 (c) A person **CARRYING A CONCEALED WEAPON WHO IS** licensed by
18 this state or another state to carry a concealed weapon.

19 (d) A person who possesses a firearm on the premises of an
20 entity described in subsection (1) if that possession is with the
21 permission of the owner or an agent of the owner of that entity.

22 (3) A person who violates this section is guilty of a
23 misdemeanor punishable by imprisonment for not more than 90 days or
24 a fine of not more than \$100.00, or both.

25 Sec. 237a. (1) An individual who engages in conduct proscribed
26 under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,
27 234a, 234b, or 234c, or who engages in conduct proscribed under

1 section 223(2) for a second or subsequent time, in a weapon free
2 school zone is guilty of a felony punishable by 1 or more of the
3 following:

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

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

7 (c) A fine of not more than 3 times the maximum fine
8 authorized for the section violated.

9 (2) An individual who engages in conduct proscribed under
10 section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1) or (4), 233,
11 234, 234e, 234f, 235, 236, or 237, or who engages in conduct
12 proscribed under section 223(2) for the first time, in a weapon
13 free school zone is guilty of a misdemeanor punishable by 1 or more
14 of the following:

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

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

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

21 (3) Subsections (1) and (2) do not apply to conduct proscribed
22 under a section enumerated in those subsections to the extent that
23 the proscribed conduct is otherwise exempted or authorized under
24 this chapter.

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

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

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

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

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

5 (a) An individual employed by or contracted by a school if the
6 possession of that weapon is to provide security services for the
7 school.

8 (b) A peace officer.

9 (c) An individual **CARRYING A CONCEALED WEAPON WHO IS** licensed
10 by this state or another state to carry a concealed weapon.

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

14 (e) An individual who possesses a firearm on school property
15 if that possession is with the permission of the school's principal
16 or an agent of the school designated by the school's principal or
17 the school board.

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

22 (i) The individual is carrying an antique firearm, completely
23 unloaded, in a wrapper or container in the trunk of a vehicle while
24 en route to or from a hunting or target shooting area or function
25 involving the exhibition, demonstration, or sale of antique
26 firearms.

27 (ii) The individual is carrying a firearm unloaded in a

1 wrapper or container in the trunk of the person's vehicle, while in
2 possession of a valid Michigan hunting license or proof of valid
3 membership in an organization having shooting range facilities, and
4 while en route to or from a hunting or target shooting area.

5 (iii) The ~~person~~-**INDIVIDUAL** is carrying a firearm unloaded in
6 a wrapper or container in the trunk of the ~~person's~~-**INDIVIDUAL'S**
7 vehicle from the place of purchase to his or her home or place of
8 business or to a place of repair or back to his or her home or
9 place of business, or in moving goods from one place of abode or
10 business to another place of abode or business.

11 (iv) The ~~person~~-**INDIVIDUAL** is carrying an unloaded firearm in
12 the passenger compartment of a vehicle that does not have a trunk,
13 if the ~~person~~-**INDIVIDUAL** is otherwise complying with the
14 requirements of subparagraph (ii) or (iii) and the wrapper or
15 container is not readily accessible to the occupants of the
16 vehicle.

17 (6) As used in this section:

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

19 (i) A firearm not designed or redesigned for using rimfire or
20 conventional center fire ignition with fixed ammunition and
21 manufactured in or before 1898, including a matchlock, flintlock,
22 percussion cap, or similar type of ignition system or a replica of
23 such a firearm, whether actually manufactured before or after the
24 year 1898.

25 (ii) A firearm using fixed ammunition manufactured in or
26 before 1898, for which ammunition is no longer manufactured in the
27 United States and is not readily available in the ordinary channels

1 of commercial trade.

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

5 (c) "School property" means a building, playing field, or
6 property used for school purposes to impart instruction to children
7 or used for functions and events sponsored by a school, except a
8 building used primarily for adult education or college extension
9 courses.

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

11 (e) "Weapon free school zone" means school property and a
12 vehicle used by a school to transport students to or from school
13 property.

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