

HOUSE BILL No. 4565

May 2, 2017, Introduced by Reps. Glenn, Barrett, Johnson, Noble, Lucido and Chirkun and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 231, 234d, and 237a (MCL 750.231, 750.234d, and 750.237a), section 231 as amended by 2006 PA 401, section 234d as amended by 1994 PA 158, and section 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. 231. (1) Except as provided in subsection (2), sections
2 224, 224a, 224b, 224d, **AND** 226a ~~, 227, 227c, and 227d~~ do not apply
3 to 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 **THE**
7 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.220g, who meets the
8 same criteria established by the director of the state department
9 of corrections for departmental employees described in subdivision
10 (b) and who is authorized in writing by the director of the
11 department of corrections to carry a concealed weapon while in the
12 official performance of his or her duties or while going to or
13 returning from those duties.

14 (d) A member of the United States ~~army, air force, navy,~~ **ARMY,**
15 **AIR FORCE, NAVY,** or ~~marine corps~~ **MARINE CORPS** or the United States
16 ~~coast guard~~ **COAST GUARD** while carrying weapons in the line of or
17 incidental to duty.

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

20 (f) A member of the ~~national guard, armed forces reserve,~~
21 **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,** the United
22 States ~~coast guard reserve,~~ **COAST GUARD RESERVE,** or any other
23 authorized military organization while on duty or drill, or in
24 going to or returning from a place of assembly or practice, while
25 carrying weapons used for a purpose of the ~~national guard, armed~~
26 ~~forces reserve,~~ **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,**
27 United States ~~coast guard reserve,~~ **COAST GUARD RESERVE,** or other

1 duly authorized military organization.

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

4 (h) A motor carrier officer appointed under section 6d of 1935
5 PA 59, MCL 28.6d.

6 (2) As applied to section 224a(1) only, subsection (1) is not
7 applicable to an individual included under subsection (1)(a), (b),
8 or (c) unless he or she has been trained on the use, effects, and
9 risks of using a portable device or weapon described in section
10 224a(1).

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

14 ~~— (a) A depository financial institution or a subsidiary or~~
15 ~~affiliate of a depository financial institution.~~

16 ~~— (b) A church or other house of religious worship.~~

17 **(A)** ~~(c)~~ A court.

18 ~~— (d) A theatre.~~

19 ~~— (e) A sports arena.~~

20 ~~— (f) A day care center.~~

21 ~~— (g) A hospital.~~

22 **(B)** ~~(h) An establishment licensed under the Michigan liquor~~
23 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~
24 ~~1933, being sections 436.1 to 436.58 of the Michigan Compiled~~
25 ~~Laws. CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.~~

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

27 (a) A person who owns, or is employed by or contracted by, an

1 entity described in subsection (1) if the possession of that
2 firearm is to provide security services for that entity.

3 (b) A peace officer.

4 (c) A person licensed by this state or another state to carry
5 a concealed weapon.

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

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

12 Sec. 237a. (1) An individual who engages in conduct proscribed
13 under section 224, 224a, 224b, 224c, 224e, 226, ~~227, 227a, 227f,~~
14 234a, 234b, or 234c, or who engages in conduct proscribed under
15 section 223(2) for a second or subsequent time, in a weapon free
16 school zone is guilty of a felony punishable by 1 or more of the
17 following:

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

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

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

23 (2) An individual who engages in conduct proscribed under
24 section 223(1), 224d, 226a, ~~227e, 227d,~~ 231c, 232a(1) or (4), 233,
25 234, 234e, 234f, 235, 236, or 237, or who engages in conduct
26 proscribed under section 223(2) for the first time, in a weapon
27 free school zone is guilty of a misdemeanor punishable by 1 or more

1 of the following:

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

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

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

8 (3) Subsections (1) and (2) do not apply to conduct proscribed
9 under a section enumerated in those subsections to the extent that
10 the proscribed conduct is otherwise exempted or authorized under
11 this chapter.

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

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

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

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

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

19 (a) An individual employed by or contracted by a school if the
20 possession of that weapon is to provide security services for the
21 school.

22 (b) A peace officer.

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

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

1 (e) An individual who possesses a firearm on school property
2 if that possession is with the permission of the school's principal
3 or an agent of the school designated by the school's principal or
4 the school board.

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

9 (i) The individual is carrying an antique firearm, completely
10 unloaded, in a wrapper or container in the trunk of a vehicle while
11 en route to or from a hunting or target shooting area or function
12 involving the exhibition, demonstration or sale of antique
13 firearms.

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

19 (iii) The ~~person~~**INDIVIDUAL** is carrying a firearm unloaded in
20 a wrapper or container in the trunk of the ~~person's~~**INDIVIDUAL'S**
21 vehicle from the place of purchase to his or her home or place of
22 business or to a place of repair or back to his or her home or
23 place of business, or in moving goods from one place of abode or
24 business to another place of abode or business.

25 (iv) The ~~person~~**INDIVIDUAL** is carrying an unloaded firearm in
26 the passenger compartment of a vehicle that does not have a trunk,
27 if the ~~person~~**INDIVIDUAL** is otherwise complying with the

1 requirements of subparagraph (ii) or (iii) and the wrapper or
2 container is not readily accessible to the occupants of the
3 vehicle.

4 (6) As used in this section:

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

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

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

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

19 (c) "School property" means a building, playing field, or
20 property used for school purposes to impart instruction to children
21 or used for functions and events sponsored by a school, except a
22 building used primarily for adult education or college extension
23 courses.

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

25 (e) "Weapon free school zone" means school property and a
26 vehicle used by a school to transport students to or from school
27 property.

1 Enacting section 1. Sections 227, 227a, 227c, 227d, and 231a
2 of the Michigan penal code, 1931 PA 328, MCL 750.227, 750.227a,
3 750.227c, 750.227d, and 750.231a, are repealed.