

HOUSE BILL NO. 5908

March 15, 2022, Introduced by Reps. Meerman, Markkanen, Shannon, Rendon, Steven Johnson, Howell, Bolden, Morse, Aiyash, LaGrand, Weiss, Pohutsky, Brenda Carter, Breen, Hood, Berman and Jones and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 227b (MCL 750.227b), as amended by 2015 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227b. (1) A person who carries or has in his or her
2 possession a firearm when he or she commits or attempts to commit a
3 felony, except a violation of section 223, 227, 227a, or 230, **and**
4 **who uses that firearm in furtherance of committing or attempting to**
5 **commit the felony**, is guilty of a felony and shall be punished by
6 imprisonment for 2 years. Upon a second conviction under this

1 subsection, the person shall be punished by imprisonment for 5
2 years. Upon a third or subsequent conviction under this subsection,
3 the person shall be punished by imprisonment for 10 years.

4 (2) A person who carries or has in his or her possession a
5 pneumatic gun and uses that pneumatic gun in furtherance of
6 committing or attempting to commit a felony, except a violation of
7 section 223, 227, 227a, or 230, is guilty of a felony and shall be
8 punished by imprisonment for 2 years. Upon a second conviction
9 under this subsection, the person shall be punished by imprisonment
10 for 5 years. Upon a third or subsequent conviction under this
11 subsection, the person shall be punished by imprisonment for 10
12 years.

13 (3) A term of imprisonment prescribed ~~by this section~~ **under**
14 **subsection (1) or (2)** is in addition to the sentence imposed for
15 the conviction of the felony or the attempt to commit the felony
16 and shall be served consecutively with and preceding any term of
17 imprisonment imposed for the conviction of the felony or attempt to
18 commit the felony.

19 (4) A term of imprisonment imposed under this section shall
20 not be suspended. The person subject to the sentence mandated by
21 ~~this section~~ **subsection (1) or (2)** is not eligible for parole or
22 probation during the mandatory term imposed under subsection (1) or
23 (2).

24 (5) This section does not apply to a law enforcement officer
25 who is authorized to carry a firearm while in the official
26 performance of his or her duties and who is in the performance of
27 those duties. As used in this subsection, "law enforcement officer"
28 means a person who is regularly employed as a member of ~~a duty~~ **an**
29 authorized police agency or other organization of the United

1 States, this state, or a city, county, township, or village of this
2 state and who is responsible for the prevention and detection of
3 crime and the enforcement of the general criminal laws of this
4 state.

5 (6) A person who carries or who possesses a firearm when the
6 person commits or attempts to commit a felony, except a violation
7 of section 223, 227, 227a, or 230, but who does not use that
8 firearm in furtherance of committing or attempting to commit the
9 felony, is guilty of a felony, punishable as follows:

10 (a) For a first conviction, by imprisonment for not more than
11 2 years.

12 (b) For a second conviction, by imprisonment for not more than
13 5 years.

14 (c) For a third or subsequent conviction, by imprisonment for
15 not more than 10 years.

16 (7) As used in this section:

17 (a) "Uses that firearm" means to pull the trigger of or
18 brandish the firearm, or to point the firearm at a person.

19 (b) "Uses that pneumatic gun" means to pull the trigger of or
20 brandish the pneumatic gun, or to point the pneumatic gun at a
21 person.

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