

HOUSE BILL No. 4098

January 24, 2013, Introduced by Reps. MacMaster, Genetski, Rogers, McMillin, Somerville, Daley, Kurtz, Kelly and Johnson and referred to the Committee on Education.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 5o (MCL 28.425o), as amended by 2012 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5o. (1) Subject to subsection (5), an individual licensed
2 under this act to carry a concealed pistol, or who is exempt from
3 licensure under section ~~12a(1)(f)~~, **12A(1)(H)**, shall not carry a
4 concealed pistol on the premises of any of the following:

1 (a) A school or school property except ~~that a~~ **AS FOLLOWS:**

2 (i) A TEACHER, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL IS
3 NOT PRECLUDED FROM CARRYING A CONCEALED PISTOL IN THAT SCHOOL OR ON
4 THAT SCHOOL PROPERTY IF THE CHIEF EXECUTIVE OFFICER OF THE SCHOOL
5 HAS AUTHORIZED THAT INDIVIDUAL TO CARRY A CONCEALED PISTOL IN THAT
6 SCHOOL OR ON THAT SCHOOL PROPERTY. THE CHIEF EXECUTIVE OFFICER
7 SHALL CONDITION HIS OR HER APPROVAL UPON THE REQUIREMENT THAT THE
8 TEACHER, ADMINISTRATOR, OR OTHER EMPLOYEE SUCCESSFULLY COMPLETE
9 TRAINING CONSIDERED APPROPRIATE BY THE CHIEF EXECUTIVE OFFICER. THE
10 TRAINING MAY BE IN ADDITION TO THE TRAINING REQUIRED UNDER SECTION
11 5J. IF AN INDIVIDUAL AUTHORIZED TO CARRY A CONCEALED PISTOL UNDER
12 THIS SUBPARAGRAPH DOES NOT CARRY THE PISTOL ON HIS OR HER PERSON,
13 THAT PISTOL SHALL BE PLACED IN A CONTAINER THAT IS SECURELY LOCKED
14 TO PREVENT ANYONE OTHER THAN THAT INDIVIDUAL FROM GAINING
15 UNAUTHORIZED ACCESS TO THAT PISTOL.

16 (ii) A parent or legal guardian of a student of the school is
17 not precluded from **LAWFULLY** carrying a concealed pistol while in a
18 vehicle on school property, if he or she is dropping the student
19 off at the school or picking up the ~~child~~ **STUDENT** from the school.
20 As used in this section, "school" and "school property" mean those
21 terms as defined in section 237a of the Michigan penal code, 1931
22 PA 328, MCL 750.237a.

23 (b) A public or private child care center or day care center,
24 public or private child caring institution, or public or private
25 child placing agency.

26 (c) A sports arena or stadium.

27 (d) A bar or tavern licensed under the Michigan liquor control

1 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
2 primary source of income of the business is the sale of alcoholic
3 liquor by the glass and consumed on the premises. This subdivision
4 does not apply to an owner or employee of the business. The
5 Michigan liquor control commission shall develop and make available
6 to holders of licenses under the Michigan liquor control code of
7 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
8 stating that "This establishment prohibits patrons from carrying
9 concealed weapons". The owner or operator of an establishment
10 licensed under the Michigan liquor control code of 1998, 1998 PA
11 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
12 sign developed under this subdivision. A record made available by
13 an establishment licensed under the Michigan liquor control code of
14 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce
15 this subdivision is exempt from disclosure under the freedom of
16 information act, 1976 PA 442, MCL 15.231 to 15.246.

17 (e) Any property or facility owned or operated by a church,
18 synagogue, mosque, temple, or other place of worship, unless the
19 presiding official or officials of the church, synagogue, mosque,
20 temple, or other place of worship permit the carrying of concealed
21 pistol on that property or facility.

22 (f) An entertainment facility with a seating capacity of 2,500
23 or more individuals that the individual knows or should know has a
24 seating capacity of 2,500 or more individuals or that has a sign
25 above each public entrance stating in letters not less than 1-inch
26 high a seating capacity of 2,500 or more individuals.

27 (g) A hospital.

1 (h) A dormitory or classroom of a community college, college,
2 or university.

3 (2) Subject to subsection (5), an individual shall not carry a
4 portable device that uses electro-muscular disruption technology on
5 any of the premises described in subsection (1).

6 (3) An individual licensed under this act to carry a concealed
7 pistol, or who is exempt from licensure under section ~~12a(1)(f)~~,
8 **12A(1)(H)**, shall not carry a concealed pistol in violation of R
9 432.1212 or a successor rule of the Michigan administrative code
10 promulgated under the Michigan gaming control and revenue act, 1996
11 IL 1, MCL 432.201 to 432.226.

12 (4) As used in subsection (1), "premises" does not include
13 parking areas of the places identified under subsection (1).

14 (5) Subsections (1) and (2) do not apply to any of the
15 following:

16 (a) An individual licensed under this act who is a retired
17 police officer or retired law enforcement officer. The concealed
18 weapon licensing board may require a letter from the law
19 enforcement agency stating that the retired police officer or law
20 enforcement officer retired in good standing.

21 (b) An individual who is licensed under this act and who is
22 employed or contracted by an entity described under subsection (1)
23 to provide security services and is required by his or her employer
24 or the terms of a contract to carry a concealed firearm on the
25 premises of the employing or contracting entity.

26 (c) An individual who is licensed as a private investigator or
27 private detective under the professional investigator licensure

1 act, 1965 PA 285, MCL 338.821 to 338.851.

2 (d) An individual who is licensed under this act and who is a
3 corrections officer of a county sheriff's department.

4 (e) An individual who is licensed under this act and who is a
5 motor carrier officer or capitol security officer of the department
6 of state police.

7 (f) An individual who is licensed under this act and who is a
8 member of a sheriff's posse.

9 (g) An individual who is licensed under this act and who is an
10 auxiliary officer or reserve officer of a police or sheriff's
11 department.

12 (h) An individual who is licensed under this act and who is a
13 parole or probation officer of the department of corrections.

14 (i) A state court judge or state court retired judge who is
15 licensed under this act. The concealed weapon licensing board may
16 require a state court retired judge to obtain and carry a letter
17 from the judicial tenure commission stating that the state court
18 retired judge is in good standing as authorized under section 30 of
19 article VI of the state constitution of 1963, and rules promulgated
20 under that section, in order to qualify under this subdivision.

21 (j) An individual who is licensed under this act and who is a
22 court officer.

23 (6) An individual who violates this section is responsible for
24 a state civil infraction or guilty of a crime as follows:

25 (a) Except as provided in subdivisions (b) and (c), the
26 individual is responsible for a state civil infraction and may be
27 fined not more than \$500.00. The court shall order the individual's

1 license to carry a concealed pistol suspended for 6 months.

2 (b) For a second violation, the individual is guilty of a
3 misdemeanor punishable by a fine of not more than \$1,000.00. The
4 court shall order the individual's license to carry a concealed
5 pistol revoked.

6 (c) For a third or subsequent violation, the individual is
7 guilty of a felony punishable by imprisonment for not more than 4
8 years or a fine of not more than \$5,000.00, or both. The court
9 shall order the individual's license to carry a concealed pistol
10 revoked.