

# HOUSE BILL No. 4104

January 24, 2013, Introduced by Reps. Schor, Hovey-Wright and Townsend and referred to the Committee on Local Government.

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 parent or legal  
2 guardian of a student of the school is not precluded from carrying  
3 a concealed pistol while in a vehicle on school property, if he or  
4 she is dropping the student off at the school or picking up the  
5 child from the school. As used in this section, "school" and  
6 "school property" mean those terms as defined in section 237a of  
7 the Michigan penal code, 1931 PA 328, MCL 750.237a.

8 (b) A public or private child care center or day care center,  
9 public or private child caring institution, or public or private  
10 child placing agency.

11 (c) A sports arena or stadium.

12 (d) A bar or tavern licensed under the Michigan liquor control  
13 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
14 primary source of income of the business is the sale of alcoholic  
15 liquor by the glass and consumed on the premises. This subdivision  
16 does not apply to an owner or employee of the business. The  
17 Michigan liquor control commission shall develop and make available  
18 to holders of licenses under the Michigan liquor control code of  
19 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
20 stating that "This establishment prohibits patrons from carrying  
21 concealed weapons". The owner or operator of an establishment  
22 licensed under the Michigan liquor control code of 1998, 1998 PA  
23 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
24 sign developed under this subdivision. A record made available by  
25 an establishment licensed under the Michigan liquor control code of  
26 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
27 this subdivision is exempt from disclosure under the freedom of

1 information act, 1976 PA 442, MCL 15.231 to 15.246.

2 (e) Any property or facility owned or operated by a church,  
3 synagogue, mosque, temple, or other place of worship, unless the  
4 presiding official or officials of the church, synagogue, mosque,  
5 temple, or other place of worship permit the carrying of concealed  
6 pistol on that property or facility.

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

12 (g) A hospital.

13 (h) A dormitory or classroom of a community college, college,  
14 or university.

15 **(I) A PUBLIC LIBRARY AS DEFINED IN SECTION 2 OF THE STATE AID**  
16 **TO PUBLIC LIBRARIES ACT, 1977 PA 89, MCL 397.552.**

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

20 (3) An individual licensed under this act to carry a concealed  
21 pistol, or who is exempt from licensure under section ~~12a(1)-(f)~~  
22 **12A(1)(H)**, shall not carry a concealed pistol in violation of R  
23 432.1212 or a successor rule of the Michigan administrative code  
24 promulgated under the Michigan gaming control and revenue act, 1996  
25 IL 1, MCL 432.201 to 432.226.

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

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

3           (a) An individual licensed under this act who is a retired  
4 police officer or retired law enforcement officer. The concealed  
5 weapon licensing board may require a letter from the law  
6 enforcement agency stating that the retired police officer or law  
7 enforcement officer retired in good standing.

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

13           (c) An individual who is licensed as a private investigator or  
14 private detective under the professional investigator licensure  
15 act, 1965 PA 285, MCL 338.821 to 338.851.

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

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

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

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

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

1 (i) A state court judge or state court retired judge who is  
2 licensed under this act. The concealed weapon licensing board may  
3 require a state court retired judge to obtain and carry a letter  
4 from the judicial tenure commission stating that the state court  
5 retired judge is in good standing as authorized under section 30 of  
6 article VI of the state constitution of 1963, and rules promulgated  
7 under that section, in order to qualify under this subdivision.

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

10 (6) AN INDIVIDUAL SHALL NOT INTENTIONALLY DISPLAY OR OPENLY  
11 CARRY A PISTOL ON THE PREMISES LISTED IN SUBSECTION (1) (A) TO (I)  
12 UNLESS THE INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1)  
13 OR IS EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH  
14 CONTROL OVER THE PREMISES DESCRIBED IN SUBSECTION (1), THE  
15 POSSESSION OF THE PISTOL IS TO PROVIDE SECURITY SERVICES FOR THE  
16 PREMISES OR IS OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL  
17 DUTIES, OR THE INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN  
18 CONSENT OF THE OWNER OF THE PREMISES OR AN AGENT OF THE OWNER OF  
19 THE PREMISES. THIS SUBSECTION APPLIES BEGINNING MAY 1, 2013.

20 (7) An individual who violates this section is responsible for  
21 a state civil infraction or guilty of a crime as follows:

22 (a) Except as provided in subdivisions (b) and (c), the  
23 individual is responsible for a state civil infraction and may be  
24 fined not more than \$500.00. The court shall order the individual's  
25 license to carry a concealed pistol suspended for 6 months.

26 (b) For a second violation, the individual is guilty of a  
27 misdemeanor punishable by a fine of not more than \$1,000.00. The

1 court shall order the individual's license to carry a concealed  
2 pistol revoked.

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