

# HOUSE BILL No. 4350

February 28, 2013, Introduced by Reps. Leonard, Outman, Kesto, Kurtz, Kelly, Haines, Lauwers, Johnson and LaVoy and referred to the Committee on Judiciary.

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

1 concealed pistol on the premises of any of the following:

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

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

12 (c) A sports arena or stadium.

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

1 this subdivision is exempt from disclosure under the freedom of  
2 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

13 (g) A hospital.

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

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

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

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

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

1 following:

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

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

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

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

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

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

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

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

27 (i) A state court judge or state court retired judge who is

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

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

9 (K) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS  
10 ANY OF THE FOLLOWING:

11 (i) A PROSECUTING ATTORNEY OF A COUNTY OR A FORMER PROSECUTING  
12 ATTORNEY OF A COUNTY.

13 (ii) AN ASSISTANT PROSECUTING ATTORNEY OF A COUNTY OR A FORMER  
14 ASSISTANT PROSECUTING ATTORNEY OF A COUNTY.

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

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

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

25 (c) For a third or subsequent violation, the individual is  
26 guilty of a felony punishable by imprisonment for not more than 4  
27 years or a fine of not more than \$5,000.00, or both. The court

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