

# SENATE BILL No. 343

May 1, 2013, Introduced by Senators JONES, BRANDENBURG, NOFS, MARLEAU, BOOHER, COLBECK, ROBERTSON and PROOS 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 sections 1 and 5o (MCL 28.421 and 28.425o), section 1 as amended by 2012 PA 243 and section 5o as amended by 2012 PA 123.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) As used in this act:

2           (a) "Felony" means that term as defined in section 1 of  
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL

1 761.1, or a violation of a law of the United States or another  
2 state that is designated as a felony or that is punishable by death  
3 or by imprisonment for more than 1 year.

4 (b) "Firearm" means a weapon from which a dangerous projectile  
5 may be propelled by an explosive, or by gas or air. Firearm does  
6 not include a smooth bore rifle or handgun designed and  
7 manufactured exclusively for propelling by a spring, or by gas or  
8 air, BBs not exceeding .177 caliber.

9 (c) "Misdemeanor" means a violation of a penal law of this  
10 state or violation of a local ordinance substantially corresponding  
11 to a violation of a penal law of this state that is not a felony or  
12 a violation of an order, rule, or regulation of a state agency that  
13 is punishable by imprisonment or a fine that is not a civil fine,  
14 or both.

15 (d) "Peace officer" means, except as otherwise provided in  
16 this act, an individual who is employed as a law enforcement  
17 officer, as that term is defined under section 2 of the commission  
18 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this  
19 state or another state, a political subdivision of this state or  
20 another state, or the United States, and who is required to carry a  
21 firearm in the course of his or her duties as a law enforcement  
22 officer.

23 (e) "Pistol" means a loaded or unloaded firearm that is 26  
24 inches or less in length, or a loaded or unloaded firearm that by  
25 its construction and appearance conceals it as a firearm.

26 (f) "Purchaser" means a person who receives a pistol from  
27 another person by purchase or gift.

1 (g) "Reserve peace officer", "auxiliary officer", or "reserve  
2 officer" means, except as otherwise provided in this act, an  
3 individual authorized on a voluntary or irregular basis by a duly  
4 authorized police agency of this state or a political subdivision  
5 of this state to act as a law enforcement officer, who is  
6 responsible for the preservation of the peace, the prevention and  
7 detection of crime, and the enforcement of the general criminal  
8 laws of this state, and who is otherwise eligible to possess a  
9 firearm under this act.

10 (H) "RETIRED FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN  
11 INDIVIDUAL WHO WAS AN OFFICER OR AGENT EMPLOYED BY A LAW  
12 ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY  
13 RESPONSIBILITY WAS ENFORCING LAWS OF THE UNITED STATES, WHO WAS  
14 REQUIRED TO CARRY A FIREARM IN THE COURSE OF HIS OR HER DUTIES AS A  
15 LAW ENFORCEMENT OFFICER, AND WHO RETIRED IN GOOD STANDING FROM HIS  
16 OR HER EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT OFFICER.

17 (I) ~~(h)~~—"Retired police officer" or "retired law enforcement  
18 officer" means an individual who was a police officer or law  
19 enforcement officer who was certified as described under section 9a  
20 of the commission on the law enforcement standards act, 1965 PA  
21 203, MCL 28.609a, and retired in good standing from his or her  
22 employment as a police officer or law enforcement officer.

23 (J) ~~(i)~~—"Seller" means a person who sells or gives a pistol to  
24 another person.

25 (K) ~~(j)~~—"State court judge" means a judge of the district  
26 court, circuit court, probate court, or court of appeals or justice  
27 of the supreme court of this state who is serving either by

1 election or appointment.

2 (I) ~~(K)~~—"State court retired judge" means a judge or justice  
3 described in subdivision ~~(j)~~—(K) who is retired, or a retired judge  
4 of the recorders court.

5 (2) A person may lawfully own, possess, carry, or transport as  
6 a pistol a firearm greater than 26 inches in length if all of the  
7 following conditions apply:

8 (a) The person registered the firearm as a pistol under  
9 section 2 or 2a before January 1, 2013.

10 (b) The person who registered the firearm as described in  
11 subdivision (a) has maintained registration of the firearm since  
12 January 1, 2013 without lapse.

13 (c) The person possesses a copy of the license or record  
14 issued to him or her under section 2 or 2a.

15 (3) A person who satisfies all of the conditions listed under  
16 subsection (2) nevertheless may elect to have the firearm not be  
17 considered to be a pistol. A person who makes the election under  
18 this subsection shall notify the department of state police of the  
19 election in a manner prescribed by that department.

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

24 (a) A school or school property except that a parent or legal  
25 guardian of a student of the school is not precluded from carrying  
26 a concealed pistol while in a vehicle on school property, if he or  
27 she is dropping the student off at the school or picking up the

1 ~~child~~**STUDENT** from the school. As used in this section, "school"  
2 and "school property" mean those terms as defined in section 237a  
3 of the Michigan penal code, 1931 PA 328, MCL 750.237a.

4 (b) A public or private child care center or day care center,  
5 public or private child caring institution, or public or private  
6 child placing agency.

7 (c) A sports arena or stadium.

8 (d) A bar or tavern licensed under the Michigan liquor control  
9 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
10 primary source of income of the business is the sale of alcoholic  
11 liquor by the glass and consumed on the premises. This subdivision  
12 does not apply to an owner or employee of the business. The  
13 Michigan liquor control commission shall develop and make available  
14 to holders of licenses under the Michigan liquor control code of  
15 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
16 stating that "This establishment prohibits patrons from carrying  
17 concealed weapons". The owner or operator of an establishment  
18 licensed under the Michigan liquor control code of 1998, 1998 PA  
19 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
20 sign developed under this subdivision. A record made available by  
21 an establishment licensed under the Michigan liquor control code of  
22 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
23 this subdivision is exempt from disclosure under the freedom of  
24 information act, 1976 PA 442, MCL 15.231 to 15.246.

25 (e) Any property or facility owned or operated by a church,  
26 synagogue, mosque, temple, or other place of worship, unless the  
27 presiding official or officials of the church, synagogue, mosque,

1 temple, or other place of worship permit the carrying of concealed  
2 pistol on that property or facility.

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

8 (g) A hospital.

9 (h) A dormitory or classroom of a community college, college,  
10 or university.

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

14 (3) An individual licensed under this act to carry a concealed  
15 pistol, or who is exempt from licensure under section ~~12a(1)(f)~~,  
16 **12A(1)(H)**, shall not carry a concealed pistol in violation of R  
17 432.1212 or a successor rule of the Michigan administrative code  
18 promulgated under the Michigan gaming control and revenue act, 1996  
19 IL 1, MCL 432.201 to 432.226.

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

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

24 (a) An individual licensed under this act who is a retired  
25 police officer, ~~ex~~-retired law enforcement officer, **OR RETIRED**  
26 **FEDERAL LAW ENFORCEMENT OFFICER**. The concealed weapon licensing  
27 board may require a letter **OR OTHER DOCUMENTATION** from the law

1 enforcement agency stating that the retired police officer, ~~ex-law~~  
2 enforcement officer, **OR FEDERAL LAW ENFORCEMENT OFFICER** retired in  
3 good standing.

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

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

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

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

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

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

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

24 (i) A state court judge or state court retired judge who is  
25 licensed under this act. The concealed weapon licensing board may  
26 require a state court retired judge to obtain and carry a letter  
27 from the judicial tenure commission stating that the state court

1 retired judge is in good standing as authorized under section 30 of  
2 article VI of the state constitution of 1963, and rules promulgated  
3 under that section, in order to qualify under this subdivision.

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

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

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

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

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