

# HOUSE BILL No. 5563

April 14, 2016, Introduced by Reps. Wittenberg, Moss, Greig, Plawecki, Chang, Schor, Faris, Sarah Roberts, Robinson, Gay-Dagnogo, Byrd, Banks, Hoadley, Pagan, Zemke and LaGrand 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 2015 PA 16.

**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)(h), shall not carry a concealed

1 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 student 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.

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

1 presiding official or officials of the church, synagogue, mosque,  
2 temple, or other place of worship permit the carrying of concealed  
3 pistol on that property or facility.

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

9 (g) A hospital.

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

12 **(I) A BUILDING OWNED OR LEASED BY THIS STATE OR THAT PART OF A**  
13 **BUILDING OWNED OR LEASED BY THIS STATE.**

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

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

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

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

27 (a) An individual licensed under this act who is a retired

1 police officer, retired law enforcement officer, or retired federal  
2 law enforcement officer.

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

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

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

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

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

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

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

23 (i) A state court judge or state court retired judge who is  
24 licensed under this act.

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

27 (6) An individual who violates this section is responsible for

1 a state civil infraction or guilty of a crime as follows:

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

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

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