HOUSE BILL No. 4003

January 11, 2017, Introduced by Rep. Lucido 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 12a (MCL 28.432a), as amended by 2016 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 12a. **(1)** The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following:

(a) A peace officer of a duly authorized police agency of the

United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except a township constable.

(b) A constable who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, while engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) An individual regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.

(d) An individual regularly employed as a local corrections officer by a county sheriff, who is trained in the use of force and is authorized in writing by the county sheriff to carry a concealed pistol during the performance of his or her duties.

(e) An individual regularly employed in a city jail or lockup who has custody of individuals detained or incarcerated in the jail or lockup, is trained in the use of force, and is authorized in writing by the chief of police or the county sheriff to carry a concealed pistol during the performance of his or her duties.

(f) A member of the United States Army, Air Force, Navy, or Marine Corps while carrying a concealed pistol in the line of duty.

(g) A member of the National Guard, armed forces reserves, or

other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.

(h) A resident of another state who is licensed by that state to carry a concealed pistol.

(i) The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

(j) An individual while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from 1 place of abode or business to another place of abode or business.

(k) A peace officer or law enforcement officer from Canada.

(*l*) AN INDIVIDUAL WHO IS 21 YEARS OF AGE OR OLDER AND WHO IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM.

(2) AN INDIVIDUAL WHO IS CARRYING A CONCEALED PISTOL UNDER SUBSECTION (1)(*l*) AND WHO DOES NOT HAVE A LICENSE TO CARRY A CONCEALED PISTOL SHALL, WHEN STOPPED BY A PEACE OFFICER, IMMEDIATELY DISCLOSE TO THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE.

(3) IF A PEACE OFFICER STOPS AN INDIVIDUAL AND THAT INDIVIDUAL IS CARRYING A CONCEALED PISTOL UNDER SUBSECTION (1)(*l*), THE PEACE OFFICER MAY DETAIN THE INDIVIDUAL TEMPORARILY TO DETERMINE IF THE INDIVIDUAL IS PROHIBITED FROM POSSESSING A FIREARM.

(4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (2) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL BE FINED NOT MORE THAN $500.00.