HOUSE BILL No. 4565

May 2, 2017, Introduced by Reps. Glenn, Barrett, Johnson, Noble, Lucido and Chirkun and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 231, 234d, and 237a (MCL 750.231, 750.234d, and 750.237a), section 231 as amended by 2006 PA 401, section 234d as amended by 1994 PA 158, and section 237a as amended by 2015 PA 26; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 231. (1) Except as provided in subsection (2), sections 224, 224a, 224b, 224d, AND 226a, 227, 227c, and 227d do not apply to any of the following:

(a) A peace officer of an authorized police agency of the United States, of this state, or of a political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state.

(b) A person who is regularly employed by the state department
of corrections and who is authorized in writing by the director of
department of corrections to carry a concealed weapon while in
the official performance of his or her duties or while going to or
returning from those duties.

(c) A person employed by a private vendor that operates a
youth correctional facility authorized under section 20g of THE
CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.220g, who meets the
same criteria established by the director of the state department
of corrections for departmental employees described in subdivision
(b) and who is authorized in writing by the director of the
department of corrections to carry a concealed weapon while in the
official performance of his or her duties or while going to or
returning from those duties.

(d) A member of the United States army, air force, navy, ARMY,
AIR FORCE, NAVY, or marine corps MARINE CORPS or the United States
coast guard COAST GUARD while carrying weapons in the line of or
incidental to duty.

(e) An organization authorized by law to purchase or receive
weapons from the United States or from this state.

(f) A member of the national guard, armed forces reserve,
NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE, the United
States coast guard reserve, COAST GUARD RESERVE, or any other
authorized military organization while on duty or drill, or in
going to or returning from a place of assembly or practice, while
carrying weapons used for a purpose of the national guard, armed
forces reserve, NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,
United States coast guard reserve, COAST GUARD RESERVE, or other
duly authorized military organization.

(g) A security employee employed by the state and granted
limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

(h) A motor carrier officer appointed under section 6d of 1935
PA 59, MCL 28.6d.

(2) As applied to section 224a(1) only, subsection (1) is not
applicable to an individual included under subsection (1)(a), (b),
or (c) unless he or she has been trained on the use, effects, and
risks of using a portable device or weapon described in section
224a(1).

Sec. 234d. (1) Except as provided in subsection (2), a person
shall not possess a firearm on the premises of any of the
following:

(a) A depository financial institution or a subsidiary or
affiliate of a depository financial institution.

(b) A church or other house of religious worship.

(A) A court.

(d) A theatre.

(e) A sports arena.

(f) A day care center.

(g) A hospital.

(B) An establishment licensed under the Michigan liquor
control act, Act No. 8 of the Public Acts of the Extra Session of
1933, being sections 436.1 to 436.58 of the Michigan Compiled

(2) This section does not apply to any of the following:

(a) A person who owns, or is employed by or contracted by, an
entity described in subsection (1) if the possession of that firearm is to provide security services for that entity.

(b) A peace officer.

(c) A person licensed by this state or another state to carry a concealed weapon.

(d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.

(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

Sec. 237a. (1) An individual who engages in conduct proscribed under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f, 234a, 234b, or 234c, or who engages in conduct proscribed under section 223(2) for a second or subsequent time, in a weapon free school zone is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated.

(b) Community service for not more than 150 hours.

(c) A fine of not more than 3 times the maximum fine authorized for the section violated.

(2) An individual who engages in conduct proscribed under section 223(1), 224d, 226a, 227, 227a, 227c, 227e, 227f, 231c, 232a(1) or (4), 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed under section 223(2) for the first time, in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more
of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated or 93 days, whichever is greater.

(b) Community service for not more than 100 hours.

(c) A fine of not more than $2,000.00 or the maximum fine authorized for the section violated, whichever is greater.

(3) Subsections (1) and (2) do not apply to conduct proscribed under a section enumerated in those subsections to the extent that the proscribed conduct is otherwise exempted or authorized under this chapter.

(4) Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than 93 days.

(b) Community service for not more than 100 hours.

(c) A fine of not more than $2,000.00.

(5) Subsection (4) does not apply to any of the following:

(a) An individual employed by or contract by a school if the possession of that weapon is to provide security services for the school.

(b) A peace officer.

(c) An individual licensed by this state or another state to carry a concealed weapon.

(d) An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon.
(e) An individual who possesses a firearm on school property
if that possession is with the permission of the school's principal
or an agent of the school designated by the school's principal or
the school board.

(f) An individual who is 18 years of age or older who is not a
student at the school and who possesses a firearm on school
property while transporting a student to or from the school if any
of the following apply:

(i) The individual is carrying an antique firearm, completely
unloaded, in a wrapper or container in the trunk of a vehicle while
en route to or from a hunting or target shooting area or function
involving the exhibition, demonstration or sale of antique
firearms.

(ii) The individual is carrying a firearm unloaded in a
wrapper or container in the trunk of the person's vehicle, while in
possession of a valid Michigan hunting license or proof of valid
membership in an organization having shooting range facilities, and
while en route to or from a hunting or target shooting area.

(iii) The person INDIVIDUAL is carrying a firearm unloaded in
a wrapper or container in the trunk of the person's INDIVIDUAL'S
vehicle 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 one place of abode or
business to another place of abode or business.

(iv) The person INDIVIDUAL is carrying an unloaded firearm in
the passenger compartment of a vehicle that does not have a trunk,
if the person INDIVIDUAL is otherwise complying with the
requirements of subparagraph (ii) or (iii) and the wrapper or
container is not readily accessible to the occupants of the
vehicle.

(6) As used in this section:

(a) "Antique firearm" means either of the following:

(i) A firearm not designed or redesigned for using rimfire or
conventional center fire ignition with fixed ammunition and
manufactured in or before 1898, including a matchlock, flintlock,
percussion cap, or similar type of ignition system or a replica of
such a firearm, whether actually manufactured before or after the
year 1898.

(ii) A firearm using fixed ammunition manufactured in or
before 1898, for which ammunition is no longer manufactured in the
United States and is not readily available in the ordinary channels
of commercial trade.

(b) "School" means a public, private, denominational, or
parochial school offering developmental kindergarten, kindergarten,
or any grade from 1 through 12.

(c) "School property" means a building, playing field, or
property used for school purposes to impart instruction to children
or used for functions and events sponsored by a school, except a
building used primarily for adult education or college extension
courses.

(d) "Weapon" includes, but is not limited to, a pneumatic gun.

(e) "Weapon free school zone" means school property and a
vehicle used by a school to transport students to or from school
property.
Enacting section 1. Sections 227, 227a, 227c, 227d, and 231a
of the Michigan penal code, 1931 PA 328, MCL 750.227, 750.227a, 750.227c, 750.227d, and 750.231a, are repealed.