



HOUSE BILL No. 4673

April 28, 1993, Introduced by Reps. Profit, Byrum, Porreca, Gire, Baade, Bullard, Voorhees, DeMars, Yokich, Palamara and Berman and referred to the Committee on Judiciary.

A bill to amend sections 82 and 234d of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," section 234d as amended by Act No. 218 of the Public Acts of 1992, being sections 750.82 and 750.234d of the Michigan Compiled Laws; and to add sections 235a, 237a, and 237b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 82 and 234d of Act No. 328 of the
2 Public Acts of 1931, section 234d as amended by Act No. 218 of
3 the Public Acts of 1992, being sections 750.82 and 750.234d of
4 the Michigan Compiled Laws, are amended and sections 235a, 237a,
5 and 237b are added to read as follows:

6 Sec. 82. (1) ~~Felonious assault~~ Any EXCEPT AS PROVIDED IN
7 SUBSECTION (2), A person who ~~shall assault~~ ASSAULTS another
8 with a gun, revolver, pistol, knife, iron bar, club, brass

1 knuckles, or other dangerous weapon ~~but~~ without intending to
2 commit ~~the crime of~~ murder ~~and without intending~~ OR to
3 inflict great bodily harm less than ~~the crime of~~ murder ~~,~~
4 ~~shall be~~ IS guilty of a felony PUNISHABLE BY IMPRISONMENT FOR
5 NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR
6 BOTH.

7 (2) A PERSON WHO VIOLATES SUBSECTION (1) WITHIN A WEAPON
8 FREE SCHOOL ZONE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
9 FOR NOT MORE THAN 8 YEARS OR A FINE OF NOT MORE THAN \$6,000.00,
10 OR BOTH.

11 (3) AS USED IN THIS SECTION:

12 (A) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
13 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGAR-
14 TEN, OR ANY GRADE FROM 1 THROUGH 12.

15 (B) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
16 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHIL-
17 DREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL,
18 EXCEPT A BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE
19 EXTENSION COURSES.

20 (C) "WEAPON FREE SCHOOL ZONE" MEANS SCHOOL PROPERTY, PROP-
21 ERTY WITHIN 500 FEET OF SCHOOL PROPERTY, AND A VEHICLE USED BY A
22 SCHOOL TO TRANSPORT STUDENTS TO OR FROM SCHOOL PROPERTY.

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

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

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

~~(c) A school.~~

(C) ~~(d)~~ A court.

(D) ~~(e)~~ A theatre.

(E) ~~(f)~~ A sports arena.

(F) ~~(g)~~ A day care center.

(G) ~~(h)~~ A hospital.

(H) ~~(i)~~ 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 Laws.

(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 in a school for pur-
poses of providing or receiving instruction in firearms safety.~~

(D) ~~(e)~~ 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 misde-
meanor punishable by imprisonment for not more than 90 days —
or a fine of not more than \$100.00, or both.

1 SEC. 235A. (1) THE PARENT OF A MINOR IS GUILTY OF A
2 MISDEMEANOR IF ALL OF THE FOLLOWING APPLY:

3 (A) THE PARENT HAS CUSTODY OF THE MINOR.

4 (B) THE MINOR VIOLATES THIS CHAPTER ON SCHOOL PROPERTY.

5 (C) THE PARENT KNOWS OR HAS REASON TO KNOW THAT THE MINOR
6 WOULD VIOLATE THIS CHAPTER.

7 (D) THE PARENT ACTS TO FURTHER THE VIOLATION OR FAILS TO
8 TAKE REASONABLE ACTION TO PREVENT THE VIOLATION.

9 (2) AN INDIVIDUAL CONVICTED UNDER SUBSECTION (1) MAY BE PUN-
10 ISHED BY 1 OR MORE OF THE FOLLOWING:

11 (A) A FINE OF NOT MORE THAN \$2,000.00.

12 (B) COMMUNITY SERVICE FOR NOT MORE THAN 160 HOURS.

13 (C) PROBATION.

14 (3) AS USED IN THIS SECTION:

15 (A) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

16 (B) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
17 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGAR-
18 TEN, OR ANY GRADE FROM 1 THROUGH 12.

19 (C) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
20 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHIL-
21 DREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL,
22 EXCEPT A BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE
23 EXTENSION COURSES.

24 SEC. 237A. (1) AN INDIVIDUAL WHO ENGAGES IN CONDUCT PRO-
25 SCRIBED UNDER SECTION 224, 224A, 224B, 224C, 224E, 226, 227,
26 227A, 227F, 234A, 234B, OR 234C, OR WHO ENGAGES IN CONDUCT
27 PROSCRIBED UNDER SECTION 223(2) FOR A SECOND OR SUBSEQUENT TIME,

1 WITHIN A WEAPON FREE SCHOOL ZONE IS GUILTY OF A FELONY PUNISHABLE
2 BY IMPRISONMENT FOR NOT MORE THAN TWICE THE MAXIMUM TERM OF
3 IMPRISONMENT AUTHORIZED FOR THE SECTION VIOLATED OR A FINE OF NOT
4 MORE THAN 3 TIMES THE MAXIMUM FINE AUTHORIZED FOR THE SECTION
5 VIOLATED, OR BOTH.

6 (2) AN INDIVIDUAL WHO ENGAGES IN CONDUCT PROSCRIBED UNDER
7 SECTION 223(1), 224D, 226A, 227C, 227D, 231C, 232A(2), 233, 234,
8 234E, 234F, 235, 236, OR 237, OR WHO ENGAGES IN CONDUCT PRO-
9 SCRIBED UNDER SECTION 223(2) FOR THE FIRST TIME, IN A WEAPON FREE
10 SCHOOL ZONE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
11 NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR
12 BOTH.

13 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), AN INDIVIDUAL WHO
14 POSSESSES A WEAPON ON SCHOOL PROPERTY OR IN A VEHICLE USED BY A
15 SCHOOL TO TRANSPORT STUDENTS TO OR FROM SCHOOL PROPERTY IS GUILTY
16 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS
17 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

18 (4) SUBSECTION (3) DOES NOT APPLY TO ANY OF THE FOLLOWING:

19 (A) AN INDIVIDUAL EMPLOYED BY OR CONTRACTED BY A SCHOOL IF
20 THE POSSESSION OF THAT WEAPON IS TO PROVIDE SECURITY SERVICES FOR
21 THE SCHOOL.

22 (B) A PEACE OFFICER LAWFULLY PERFORMING HIS OR HER DUTIES AS
23 A PEACE OFFICER.

24 (C) AN INDIVIDUAL LICENSED BY THIS STATE OR ANOTHER STATE TO
25 CARRY A CONCEALED WEAPON.

1 (D) AN INDIVIDUAL WHO POSSESSES A WEAPON PROVIDED BY A
2 SCHOOL OR A SCHOOL'S INSTRUCTOR ON SCHOOL PROPERTY FOR PURPOSES
3 OF PROVIDING OR RECEIVING INSTRUCTION IN THE USE OF THAT WEAPON.

4 (5) AS USED IN THIS SECTION:

5 (A) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
6 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGAR-
7 TEN, OR ANY GRADE FROM 1 THROUGH 12.

8 (B) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
9 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHIL-
10 DREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL,
11 EXCEPT A BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE
12 EXTENSION COURSES.

13 (C) "WEAPON FREE SCHOOL ZONE" MEANS SCHOOL PROPERTY, PROP-
14 ERTY WITHIN 500 FEET OF SCHOOL PROPERTY, AND A VEHICLE USED BY A
15 SCHOOL TO TRANSPORT STUDENTS TO OR FROM SCHOOL PROPERTY.

16 SEC. 237B. (1) A PERSON WHO STORES OR LEAVES A LOADED FIRE-
17 ARM ON PREMISES UNDER HIS OR HER CONTROL AND WHO KNOWS OR REASON-
18 ABLY SHOULD KNOW THAT A MINOR MAY GAIN ACCESS TO THE FIREARM
19 WITHOUT THE LAWFUL PERMISSION OF THE MINOR'S PARENT OR LEGAL
20 GUARDIAN IS GUILTY OF A CRIME AS FOLLOWS:

21 (A) A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3
22 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH, IF A MINOR
23 GAINS ACCESS TO THE FIREARM WITHOUT THE LAWFUL PERMISSION OF THE
24 MINOR'S PARENT OR LEGAL GUARDIAN AND USES IT TO INFLICT GREAT
25 BODILY INJURY OR DEATH UPON HIMSELF OR HERSELF OR ANY OTHER
26 PERSON.

1 (B) A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
2 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, IF A
3 MINOR GAINS ACCESS TO THE FIREARM WITHOUT THE LAWFUL PERMISSION
4 OF THE MINOR'S PARENT OR LEGAL GUARDIAN AND THE MINOR DOES 1 OR
5 MORE OF THE FOLLOWING:

6 (i) USES THE FIREARM TO CAUSE INJURY LESS THAN GREAT BODILY
7 INJURY TO HIMSELF OF HERSELF OR ANOTHER PERSON.

8 (ii) POSSESSES OR EXHIBITS THE FIREARM IN A PUBLIC PLACE.

9 (iii) POSSESSES OR EXHIBITS THE FIREARM IN THE PRESENCE OF
10 ANOTHER PERSON IN A RUDE, CARELESS, ANGRY, OR THREATENING
11 MANNER.

12 (2) SUBSECTION (1) DOES NOT APPLY IF 1 OR MORE OF THE FOL-
13 LOWING CIRCUMSTANCES EXIST:

14 (A) THE MINOR OBTAINS THE FIREARM AS A RESULT OF AN UNLAWFUL
15 ENTRY OF THE PREMISES BY ANY PERSON.

16 (B) THE FIREARM IS STORED OR LEFT IN A SECURELY LOCKED CON-
17 TAINER OR A LOCATION THAT A REASONABLE PERSON WOULD BELIEVE TO BE
18 SECURE FOR ACCESS BY A MINOR.

19 (C) THE FIREARM IS SECURELY LOCKED BY A LOCKING DEVICE.

20 (D) THE FIREARM IS CARRIED ON THE BODY OF THE PERSON IN CON-
21 TROL OF THE PREMISES OR WITHIN SUCH CLOSE PROXIMITY TO THE PERSON
22 THAT THE PERSON CAN RETRIEVE AND USE IT AS EASILY AND QUICKLY AS
23 IF HE OR SHE CARRIED IT ON HIS OR HER BODY.

24 (E) THE PERSON WHO STORES OR LEAVES THE FIREARM IS A PEACE
25 OFFICER AND THE POSSESSION OF THE FIREARM BY THE MINOR OCCURS
26 DURING OR INCIDENTAL TO PERFORMANCE OF THE PEACE OFFICER'S
27 OFFICIAL DUTIES.

1 (F) THE MINOR OBTAINS OR DISCHARGES THE FIREARM IN A LAWFUL
2 ACT OF SELF-DEFENSE OR DEFENSE OF ANOTHER PERSON.

3 (G) THE PERSON WHO STORES OR LEAVES THE FIREARM HAS NO REA-
4 SONABLE EXPECTATION, BASED ON OBJECTIVE FACTS OR CIRCUMSTANCES,
5 THAT A MINOR MAY BE PRESENT ON THE PREMISES.

6 (3) IF AN INDIVIDUAL ALLEGED TO HAVE VIOLATED THIS SECTION
7 ATTENDED A FIREARMS SAFETY COURSE BEFORE PURCHASING THE FIREARM
8 INVOLVED IN THE VIOLATION, THE PROSECUTING ATTORNEY SHALL CON-
9 sider THAT FACT AS A MITIGATING FACTOR IN DECIDING WHETHER TO
10 PROSECUTE.

11 (4) THE FACT THAT THE INDIVIDUAL ALLEGED TO HAVE VIOLATED
12 THIS SECTION ATTENDED A FIREARMS SAFETY COURSE BEFORE PURCHASING
13 THE FIREARM INVOLVED IN THE VIOLATION IS ADMISSIBLE IN ANY PRO-
14 CEEDING UNDER THIS SECTION.

15 (5) AS USED IN THIS SECTION, "MINOR" MEANS AN INDIVIDUAL
16 LESS THAN 18 YEARS OF AGE.