



HOUSE BILL No. 5244

October 12, 1995, Introduced by Reps. Olshove, Brewer, Yokich, Hanley, DeHart, Pitoniak, Baade and Galloway and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 227g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 227g to read as follows:

4 SEC. 227G. (1) A PERSON WHO CARRIES OR HAS IN HIS OR HER
5 POSSESSION AN AUTOMATIC OR SEMIAUTOMATIC FIREARM WHEN HE OR SHE
6 COMMITS OR ATTEMPTS TO COMMIT A FELONY IS GUILTY OF A FELONY AND,
7 EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3), SHALL BE IMPRISONED
8 FOR 6 YEARS.

1 (2) IF THE PERSON HAS A PRIOR CONVICTION UNDER THIS SECTION
2 OR SECTION 227B, THE PERSON SHALL BE IMPRISONED FOR 10 YEARS.

3 (3) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS UNDER THIS
4 SECTION OR SECTION 227B, THE PERSON SHALL BE IMPRISONED FOR 12
5 YEARS.

6 (4) A TERM OF IMPRISONMENT PRESCRIBED BY THIS SECTION IS IN
7 ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION OF THE FELONY
8 OR THE ATTEMPT TO COMMIT THE FELONY AND SHALL BE SERVED CONSECU-
9 TIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED FOR
10 THE CONVICTION OF THE FELONY OR ATTEMPT TO COMMIT THE FELONY.

11 (5) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL
12 NOT BE SUSPENDED. THE PERSON SUBJECT TO THE SENTENCE MANDATED BY
13 THIS SECTION IS NOT ELIGIBLE FOR PAROLE OR PROBATION DURING THE
14 MANDATORY TERM IMPOSED PURSUANT TO SUBSECTION (1), (2), OR (3).

15 (6) THIS SECTION DOES NOT APPLY TO A VIOLATION OF SECTION
16 223, 227, 227A, 227B, OR 230.

17 (7) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER
18 WHO IS AUTHORIZED TO CARRY A FIREARM WHILE IN THE OFFICIAL PER-
19 FORMANCE OF HIS OR HER DUTIES AND WHO IS PERFORMING THOSE
20 DUTIES. AS USED IN THIS SUBSECTION, "LAW ENFORCEMENT OFFICER"
21 MEANS A PERSON WHO IS REGULARLY EMPLOYED AS A MEMBER OF A DULY
22 AUTHORIZED POLICE AGENCY OR OTHER ORGANIZATION OF THE UNITED
23 STATES, THIS STATE, OR A CITY, COUNTY, TOWNSHIP, OR VILLAGE OF
24 THIS STATE AND WHO IS RESPONSIBLE FOR THE PREVENTION AND DETEC-
25 TION OF CRIME AND THE ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF
26 THIS STATE.