

HOUSE BILL No. 6146

May 29, 2002, Introduced by Rep. Callahan and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 227g (MCL 750.227g), as added by 2000
PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227g. (1) Except as otherwise provided in this sec-
2 tion, a person who has been convicted of a violent felony OR A
3 VIOLATION OF SECTION 531 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
4 MCL 750.531, shall not purchase, own, possess, or use body
5 armor.

6 (2) A person who has been convicted of a violent felony OR A
7 VIOLATION OF SECTION 531 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
8 MCL 750.531, whose employment, livelihood, or safety is dependent
9 on his or her ability to purchase, own, possess, or use body
10 armor may petition the chief of police of the local unit of

1 government in which he or she resides or, if he or she does not
2 reside in a local unit of government that has a police depart-
3 ment, the county sheriff, for written permission to purchase,
4 own, possess, or use body armor under this section.

5 (3) The chief of police of a local unit of government or the
6 county sheriff may grant a person who properly petitions that
7 chief of police or county sheriff under subsection (2) written
8 permission to purchase, own, possess, or use body armor as pro-
9 vided in this section if the chief of police or county sheriff
10 determines that both of the following circumstances exist:

11 (a) The petitioner is likely to use body armor in a safe and
12 lawful manner.

13 (b) The petitioner has reasonable need for the protection
14 provided by body armor.

15 (4) In making the determination required under
16 subsection (3), the chief of police or county sheriff shall con-
17 sider all of the following:

18 (a) The petitioner's continued employment.

19 (b) The interests of justice.

20 (c) Other circumstances justifying issuance of written per-
21 mission to purchase, own, possess, or use body armor.

22 (5) The chief of police or county sheriff may restrict writ-
23 ten permission issued to a petitioner under this section in any
24 manner determined appropriate by that chief of police or county
25 sheriff. If permission is restricted, the chief of police or
26 county sheriff shall state the restrictions in the permission
27 document.

1 (6) It is the intent of the legislature that chiefs of
2 police and county sheriffs exercise broad discretion in determin-
3 ing whether to issue written permission to purchase, own, pos-
4 sess, or use body armor under this section. However, nothing in
5 this section requires a chief of police or county sheriff to
6 issue written permission to any particular petitioner. The issu-
7 ance of written permission to purchase, own, possess, or use body
8 armor under this section does not relieve any person or entity
9 from criminal liability that might otherwise be imposed.

10 (7) A person who receives written permission from a chief of
11 police or county sheriff to purchase, own, possess, or use body
12 armor shall have that written permission in his or her possession
13 when he or she is purchasing, owning, possessing, or using body
14 armor.

15 (8) A law enforcement agency may issue body armor to a
16 person who is in custody or who is a witness to a crime for his
17 or her own protection without a petition being previously filed
18 under subsection (2). If the law enforcement agency issues body
19 armor to the person under this subsection, the law enforcement
20 agency shall document the reasons for issuing body armor and
21 retain a copy of that document as an official record. The law
22 enforcement agency shall also issue written permission to the
23 person to possess and use body armor under this section.

24 (9) A person who violates this section is guilty of a crime
25 as follows:

1 (a) For a violation of subsection (1), the person is guilty
2 of a felony punishable by imprisonment for not more than ~~4~~ 5
3 years or a fine of not more than ~~\$2,000.00~~ \$5,000.00, or both.

4 (b) For a violation of subsection (7), the person is guilty
5 of a misdemeanor punishable by imprisonment for not more than 93
6 days or a fine of not more than \$100.00, or both.

7 (10) As used in this section:

8 (a) "Body armor" means that term as defined in section
9 227f.

10 (b) "Violent felony" means that term as defined in section
11 36 of 1953 PA 232, MCL 791.236.