

HOUSE BILL No. 5162

September 5, 2007, Introduced by Reps. Agema, Calley, Meekhof, Stahl, Pearce, Hoogendyk, Garfield, Knollenberg, Pavlov, Casperson, Pastor, Wenke, Amos, Hildenbrand, Stakoe, Green and Elsenheimer 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 and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 5o (MCL 28.425o), as amended by 2002 PA 719.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5o. (1) Subject to subsection ~~(4)~~(3), an individual
2 licensed under this act to carry a concealed pistol, or who is
3 exempt from licensure under section 12a(f), shall not carry a
4 concealed pistol on the premises of any of the following:

1 (a) A school or school property except ~~that a~~ **AS FOLLOWS:**

2 (i) A TEACHER, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL IS
3 NOT PRECLUDED FROM CARRYING A CONCEALED PISTOL IN THAT SCHOOL OR ON
4 THAT SCHOOL PROPERTY IF THE CHIEF EXECUTIVE OFFICER OF THE SCHOOL
5 HAS AUTHORIZED THAT INDIVIDUAL TO CARRY A CONCEALED PISTOL IN THAT
6 SCHOOL OR ON THAT SCHOOL PROPERTY. THE CHIEF EXECUTIVE OFFICER MAY
7 CONDITION HIS OR HER APPROVAL UPON THE REQUIREMENT THAT THE
8 TEACHER, ADMINISTRATOR, OR OTHER EMPLOYEE SUCCESSFULLY COMPLETE
9 TRAINING CONSIDERED APPROPRIATE BY THE CHIEF EXECUTIVE OFFICER. THE
10 TRAINING MAY BE IN ADDITION TO THE TRAINING REQUIRED UNDER SECTION
11 5J.

12 (ii) A parent or legal guardian of a student of the school is
13 not precluded from **LAWFULLY** carrying a concealed pistol while in a
14 vehicle on school property, if he or she is dropping the student
15 off at the school or picking up the ~~child~~ **STUDENT** from the school.
16 ~~As used in this section, "school" and "school property" mean those~~
17 ~~terms as defined in section 237a of the Michigan penal code, 1931~~
18 ~~PA 328, MCL 750.237a.~~

19 (b) A public or private child care center or day care center,
20 public or private child caring institution, or public or private
21 child placing agency.

22 (c) A sports arena or stadium.

23 (d) A bar or tavern licensed under the Michigan liquor control
24 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
25 primary source of income of the business is the sale of alcoholic
26 liquor by the glass and consumed on the premises. This subdivision
27 ~~shall~~ **DOES** not apply to an owner or employee of the business. The

1 Michigan liquor control commission shall develop and make available
2 to holders of licenses under the Michigan liquor control code of
3 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
4 stating that "This establishment prohibits patrons from carrying
5 concealed weapons". The owner or operator of an establishment
6 licensed under the Michigan liquor control code of 1998, 1998 PA
7 58, MCL 436.1101 to 436.2303, may, but ~~shall~~ **IS** not ~~be~~ required to,
8 post the sign developed under this subdivision. A record made
9 available by an establishment licensed under the Michigan liquor
10 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303,
11 necessary to enforce this subdivision is exempt from disclosure
12 under the freedom of information act, 1976 PA 442, MCL 15.231 to
13 15.246.

14 (e) Any property or facility owned or operated by a church,
15 synagogue, mosque, temple, or other place of worship, unless the
16 presiding official or officials of the church, synagogue, mosque,
17 temple, or other place of worship permit the carrying of concealed
18 pistol on that property or facility.

19 (f) An entertainment facility with a seating capacity of 2,500
20 or more individuals that the individual knows or should know has a
21 seating capacity of 2,500 or more individuals or that has a sign
22 above each public entrance stating in letters not less than 1-inch
23 high a seating capacity of 2,500 or more individuals.

24 (g) A hospital.

25 (h) A dormitory or classroom of a community college, college,
26 or university.

27 (2) An individual licensed under this act to carry a concealed

1 pistol, or who is exempt from licensure under section 12a(f), shall
2 not carry a concealed pistol in violation of R 432.1212 or a
3 successor rule of the Michigan administrative code promulgated
4 pursuant to the Michigan gaming control and revenue act, ~~the~~
5 ~~Initiated Law of 1996 IL 1~~, MCL 432.201 to 432.226.

6 ~~(3) As used in subsection (1), "premises" does not include~~
7 ~~parking areas of the places identified under subsection (1).~~

8 (3) ~~(4)~~ Subsection (1) does not apply to any of the following:

9 (a) An individual licensed under this act who is a retired
10 police officer or retired law enforcement officer. The concealed
11 weapon licensing board may require a letter from the law
12 enforcement agency stating that the retired police officer or law
13 enforcement officer retired in good standing.

14 (b) An individual who is licensed under this act and who is
15 employed or contracted by an entity described under subsection (1)
16 to provide security services and is required by his or her employer
17 or the terms of a contract to carry a concealed firearm on the
18 premises of the employing or contracting entity.

19 (c) An individual who is licensed as a private investigator or
20 private detective under the private detective license act, 1965 PA
21 285, MCL 338.821 to 338.851.

22 (d) Any of the following who is licensed under this act while
23 on duty and in the course of his or her employment:

24 (i) A corrections officer of a county sheriff's department.

25 (ii) A motor carrier officer or capitol security officer of the
26 department of state police.

27 (iii) A member of a sheriff's posse.

1 (iv) An auxiliary officer or reserve officer of a police or
2 sheriff's department.

3 (v) A parole or probation officer of the department of
4 corrections.

5 (4) ~~(5)~~—An individual who violates this section is responsible
6 for a state civil infraction or guilty of a crime as follows:

7 (a) Except as provided in subdivisions (b) and (c), the
8 individual is responsible for a state civil infraction and may be
9 fined not more than \$500.00. The court shall order the individual's
10 license to carry a concealed pistol suspended for 6 months.

11 (b) For a second violation, the individual is guilty of a
12 misdemeanor punishable by a fine of not more than \$1,000.00. The
13 court shall order the individual's license to carry a concealed
14 pistol revoked.

15 (c) For a third or subsequent violation, the individual is
16 guilty of a felony punishable by imprisonment for not more than 4
17 years or a fine of not more than \$5,000.00, or both. The court
18 shall order the individual's license to carry a concealed pistol
19 revoked.

20 (5) AS USED IN THIS SECTION:

21 (A) "SCHOOL" AND "SCHOOL PROPERTY" MEAN THOSE TERMS AS DEFINED
22 IN SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
23 750.237A.

24 (B) "PREMISES" DOES NOT INCLUDE THE PARKING AREAS OF THE
25 PLACES IDENTIFIED IN SUBSECTION (1).