

**SUBSTITUTE FOR  
SENATE BILL NO. 561**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 234d and 237a (MCL 750.234d and 750.237a),  
section 234d as amended by 1994 PA 158 and section 237a as amended  
by 2015 PA 26.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

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

7           (c) A court.

8           (d) A theatre.

9           (e) A sports arena **OR STADIUM**.

1 (f) A day care center.

2 (g) A hospital.

3 (h) ~~An establishment licensed under the Michigan liquor~~  
4 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~  
5 ~~1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.~~

6 **A BAR OR TAVERN LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF**  
7 **1998, 1998 PA 58, MCL 436.1101 TO 436.2303, WHERE THE PRIMARY**  
8 **SOURCE OF INCOME OF THE BUSINESS IS THE SALE OF ALCOHOLIC LIQUOR BY**  
9 **THE GLASS AND CONSUMED ON THE PREMISES.**

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

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

14 (b) A peace officer.

15 (c) A person **CARRYING A CONCEALED WEAPON WHO IS** licensed by  
16 this state or another state to carry a concealed weapon.

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

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

23 Sec. 237a. (1) An individual who engages in conduct proscribed  
24 under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,  
25 234a, 234b, or 234c, or who engages in conduct proscribed under  
26 section 223(2) for a second or subsequent time, in a weapon free  
27 school zone is guilty of a felony punishable by 1 or more of the

1 following:

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

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

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

7 (2) An individual who engages in conduct proscribed under  
8 section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1) or (4), 233,  
9 234, 234e, 234f, 235, 236, or 237, or who engages in conduct  
10 proscribed under section 223(2) for the first time, in a weapon  
11 free school zone is guilty of a misdemeanor punishable by 1 or more  
12 of the following:

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

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

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

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

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

26 (a) Imprisonment for not more than 93 days.

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

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

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

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

6 (b) A peace officer.

7 (c) An individual **CARRYING A CONCEALED WEAPON WHO IS** licensed  
8 by this state or another state to carry a concealed weapon.

9 (d) An individual who possesses a weapon provided by a school  
10 or a school's instructor on school property for purposes of  
11 providing or receiving instruction in the use of that weapon.

12 (e) An individual who possesses a firearm on school property  
13 if that possession is with the permission of the school's principal  
14 or an agent of the school designated by the school's principal or  
15 the school board.

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

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

25 (ii) The individual is carrying a firearm unloaded in a  
26 wrapper or container in the trunk of the person's vehicle, while in  
27 possession of a valid Michigan hunting license or proof of valid

1 membership in an organization having shooting range facilities, and  
2 while en route to or from a hunting or target shooting area.

3 (iii) The ~~person~~-**INDIVIDUAL** is carrying a firearm unloaded in  
4 a wrapper or container in the trunk of the ~~person's~~-**INDIVIDUAL'S**  
5 vehicle from the place of purchase to his or her home or place of  
6 business or to a place of repair or back to his or her home or  
7 place of business, or in moving goods from one place of abode or  
8 business to another place of abode or business.

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

15 (6) As used in this section:

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

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

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

27 (b) "School" means a public, private, denominational, or

1 parochial school offering developmental kindergarten, kindergarten,  
2 or any grade from 1 through 12.

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

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

9 (e) "Weapon free school zone" means school property and a  
10 vehicle used by a school to transport students to or from school  
11 property.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect  
15 unless Senate Bill No. 442 of the 98th Legislature is enacted into  
16 law.