

HOUSE BILL No. 5199

December 17, 2015, Introduced by Rep. Chatfield and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 226, 227, and 231 (MCL 750.226, 750.227, and 750.231), section 226 as amended by 2015 PA 26, section 227 as amended by 1986 PA 8, and section 231 as amended by 2006 PA 401.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 226. (1) A person shall not, with intent to use the same
2 unlawfully against the person of another, go armed with a pistol or
3 other firearm, or a pneumatic gun, ~~dagger, dirk, A razor ,~~
4 ~~stiletto, or knife, having a blade over 3 inches in length, or any~~
5 other dangerous or deadly weapon or instrument.

6 (2) A person who violates this section is guilty of a felony
7 punishable by imprisonment for not more than 5 years or a fine of
8 not more than \$2,500.00, **OR BOTH.**

9 Sec. 227. (1) A person shall not carry a ~~dagger, dirk,~~

1 ~~stiletto, a double-edged nonfolding stabbing instrument~~ **KNIFE** of
2 any length, or any other ~~dangerous weapon, except a hunting knife~~
3 ~~adapted and carried as such~~ **BLADED OBJECT DESIGNED, MANUFACTURED,**
4 **OR INTENDED TO BE USED TO CAUSE DEATH OR INJURY TO ANY PERSON,**
5 concealed on or about his or her person ~~or, whether concealed or~~
6 otherwise, in any vehicle operated or occupied by the person. ~~or~~
7 ~~except in his or her dwelling house, place of business or on other~~
8 ~~land possessed by the person.~~ **THIS SUBSECTION DOES NOT APPLY TO ANY**
9 **OF THE FOLLOWING:**

10 (A) AN OBJECT CARRIED BY THE PERSON IN HIS OR HER DWELLING
11 HOUSE OR PLACE OF BUSINESS OR ON OTHER LAND POSSESSED BY THE
12 PERSON.

13 (B) AN OBJECT CARRIED IN TRANSIT BETWEEN LOCATIONS DESCRIBED
14 IN SUBDIVISION (A) THAT, UNLESS THE OBJECT IS CARRIED FOR A PURPOSE
15 DESCRIBED IN SUBDIVISION (C), IS SECURELY ENCASED AND IS NOT
16 READILY ACCESSIBLE FOR IMMEDIATE USE.

17 (C) AN OBJECT CARRIED IN THE COURSE OF HUNTING, FISHING, OR
18 TRAPPING OR FOR USE AS A TOOL IN THE COURSE OF THE PERSON'S
19 OCCUPATION OR HOBBY, IF THAT HOBBY REASONABLY REQUIRES THE USE OF
20 THAT OBJECT.

21 (2) A person shall not carry a pistol concealed on or about
22 his or her person ~~or, whether concealed or otherwise, in a~~
23 vehicle operated or occupied by the person, except in his or her
24 dwelling house, place of business, or on other land possessed by
25 the person, without a license to carry the pistol as provided by
26 law and, if licensed, shall not carry the pistol in a place or
27 manner inconsistent with any restrictions upon ~~such~~ **THAT** license.

1 (3) A person who violates this section is guilty of a felony ~~7~~
2 punishable by imprisonment for not more than 5 years ~~7~~ or ~~by~~ a fine
3 of not more than \$2,500.00, **OR BOTH**.

4 (4) **AS USED IN THIS SECTION:**

5 (A) "READILY ACCESSIBLE FOR IMMEDIATE USE" MEANS AN OBJECT
6 THAT IS CARRIED ON THE PERSON OR WITHIN CLOSE PROXIMITY TO THE
7 PERSON AND IN A MANNER SO THAT IT CAN BE RETRIEVED AND USED AS
8 EASILY AND QUICKLY AS IF CARRIED ON THE PERSON.

9 (B) "SECURELY ENCASED" MEANS THAT THE OBJECT IS FULLY ENCLOSED
10 IN A SHEATH, POUCH, OR CASE OR THE OBJECT IS STORED IN A LOCKED OR
11 UNLOCKED GLOVE COMPARTMENT.

12 Sec. 231. (1) Except as provided in subsection (2), sections
13 224, 224a, 224b, 224d, 226a, 227, 227c, and 227d do not apply to
14 any of the following:

15 (a) A peace officer of an authorized police agency of the
16 United States, of this state, or of a political subdivision of this
17 state, who is regularly employed and paid by the United States,
18 this state, or a political subdivision of this state.

19 (b) A person who is regularly employed by the state department
20 of corrections and who is authorized in writing by the director of
21 the department of corrections to carry a concealed weapon while in
22 the official performance of his or her duties or while going to or
23 returning from those duties.

24 (c) A person employed by a private vendor that operates a
25 youth correctional facility authorized under section 20g of **THE**
26 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.220g, who meets the
27 same criteria established by the director of the ~~state~~ department

1 of corrections for departmental employees described in subdivision
2 (b) and who is authorized in writing by the director of the
3 department of corrections to carry a concealed weapon while in the
4 official performance of his or her duties or while going to or
5 returning from those duties.

6 (d) A member of the United States ~~army, air force, navy,~~ **ARMY,**
7 **AIR FORCE, NAVY,** or ~~marine corps~~ **MARINE CORPS** or the United States
8 ~~east guard~~ **COAST GUARD** while carrying weapons in the line of or
9 incidental to duty.

10 (e) An organization authorized by law to purchase or receive
11 weapons from the United States or from this state.

12 (f) A member of the ~~national guard, armed forces reserve,~~
13 **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,** the United
14 States ~~east guard reserve,~~ **COAST GUARD RESERVE,** or any other
15 authorized military organization while on duty or drill, or in
16 going to or returning from a place of assembly or practice, while
17 carrying weapons used for a purpose of the ~~national guard, armed~~
18 ~~forces reserve,~~ **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,**
19 United States ~~east guard reserve,~~ **COAST GUARD RESERVE,** or other
20 duly authorized military organization.

21 (g) A security employee employed by the state and granted
22 limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

23 (h) A motor carrier officer appointed under section 6d of 1935
24 PA 59, MCL 28.6d.

25 (2) As applied to section 224a(1) only, subsection (1) ~~is~~ **DOES**
26 not ~~applicable~~ **APPLY** to an individual included under subsection
27 (1) (a), (b), or (c) unless he or she has been trained on the use,

1 effects, and risks of using a portable device or weapon described
2 in section 224a(1).

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