

# HOUSE BILL No. 6522

November 27, 2018, Introduced by Rep. LaFave 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, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 2017 PA 95.

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

1           Sec. 5o. (1) Subject to subsection (5), an individual licensed  
2 under this act to carry a concealed pistol, or who is exempt from

1 licensure under section 12a(h), shall not carry a concealed pistol  
2 on the premises of any of the following:

3 (a) A school or school property. ~~except that a~~ **THIS**

4 **SUBDIVISION DOES NOT APPLY TO EITHER OF THE FOLLOWING:**

5 (i) A parent or legal guardian of a student of the school ~~is~~  
6 ~~not precluded from~~ carrying a concealed pistol while in a vehicle  
7 on school property, if he or she is dropping the student off at the  
8 school or picking up the student from the school. ~~As used in this~~  
9 ~~section, "school" and "school property" mean those terms as defined~~  
10 ~~in section 237a of the Michigan penal code, 1931 PA 328, MCL~~  
11 ~~750.237a.~~

12 (ii) **A TEACHER OR OTHER EMPLOYEE OF A SCHOOL CARRYING A**  
13 **CONCEALED PISTOL IN THAT SCHOOL OR ON THAT SCHOOL PROPERTY IF THE**  
14 **AUTHORIZING ENTITY OF THE SCHOOL HAS AUTHORIZED THAT INDIVIDUAL TO**  
15 **CARRY A CONCEALED PISTOL IN THAT SCHOOL OR ON THAT SCHOOL PROPERTY.**

16 (b) A public or private child care center or day care center,  
17 public or private child caring institution, or public or private  
18 child placing agency.

19 (c) A sports arena or stadium.

20 (d) A bar or tavern licensed under the Michigan liquor control  
21 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
22 primary source of income of the business is the sale of alcoholic  
23 liquor by the glass and consumed on the premises. This subdivision  
24 does not apply to an owner or employee of the business. The  
25 Michigan liquor control commission shall develop and make available  
26 to holders of licenses under the Michigan liquor control code of  
27 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign

1 stating that "This establishment prohibits patrons from carrying  
2 concealed weapons". The owner or operator of an establishment  
3 licensed under the Michigan liquor control code of 1998, 1998 PA  
4 58, MCL 436.1101 to 436.2303, may post the sign developed under  
5 this subdivision.

6 (e) Any property or facility owned or operated by a church,  
7 synagogue, mosque, temple, or other place of worship, unless the  
8 presiding official or officials of the church, synagogue, mosque,  
9 temple, or other place of worship permit the carrying of concealed  
10 pistol on that property or facility.

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

16 (g) A hospital.

17 (h) A dormitory or classroom of a community college, college,  
18 or university.

19 (2) Subject to subsection (5), an individual shall not carry a  
20 portable device that uses electro-muscular disruption technology on  
21 any of the premises described in subsection (1).

22 (3) An individual licensed under this act to carry a concealed  
23 pistol, or who is exempt from licensure under section 12a(h), shall  
24 not carry a concealed pistol in violation of R 432.1212 of the  
25 Michigan Administrative Code promulgated under the Michigan gaming  
26 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

27 (4) As used in subsection (1), "premises" does not include

1 parking areas of the places identified under subsection (1).

2 (5) Subsections (1) and (2) do not apply to any of the  
3 following:

4 (a) An individual licensed under this act who is a retired  
5 police officer, retired law enforcement officer, or retired federal  
6 law enforcement officer.

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

12 (c) An individual who is licensed as a private investigator or  
13 private detective under the professional investigator licensure  
14 act, 1965 PA 285, MCL 338.821 to 338.851.

15 (d) An individual who is licensed under this act and who is a  
16 corrections officer of a county sheriff's department or who is  
17 licensed under this act and is a retired corrections officer of a  
18 county sheriff's department, if that individual has received county  
19 sheriff approved weapons training.

20 (e) An individual who is licensed under this act and who is a  
21 motor carrier officer or capitol security officer of the department  
22 of state police.

23 (f) An individual who is licensed under this act and who is a  
24 member of a sheriff's posse.

25 (g) An individual who is licensed under this act and who is an  
26 auxiliary officer or reserve officer of a police or sheriff's  
27 department.

1 (h) An individual who is licensed under this act and who is  
2 any of the following:

3 (i) A parole, probation, or corrections officer, or absconder  
4 recovery unit member, of the department of corrections, if that  
5 individual has obtained a Michigan department of corrections  
6 weapons permit.

7 (ii) A retired parole, probation, or corrections officer, or  
8 retired absconder recovery unit member, of the department of  
9 corrections, if that individual has obtained a Michigan department  
10 of corrections weapons permit.

11 (i) A state court judge or state court retired judge who is  
12 licensed under this act.

13 (j) An individual who is licensed under this act and who is a  
14 court officer.

15 (k) An individual who is licensed under this act and who is a  
16 peace officer.

17 (6) An individual who violates this section is responsible for  
18 a state civil infraction or guilty of a crime as follows:

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

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

27 (c) For a third or subsequent violation, the individual is

1 guilty of a felony punishable by imprisonment for not more than 4  
2 years or a fine of not more than \$5,000.00, or both. The court  
3 shall order the individual's license to carry a concealed pistol  
4 revoked.

5 (7) AS USED IN THIS SECTION:

6 (A) "AUTHORIZING ENTITY" MEANS ALL OF THE FOLLOWING:

7 (i) FOR A PUBLIC SCHOOL, 1 OF THE FOLLOWING:

8 (A) THE BOARD OF THE SCHOOL DISTRICT IN WHICH THAT SCHOOL IS  
9 LOCATED.

10 (B) THE BOARD OF THE INTERMEDIATE SCHOOL DISTRICT WHERE THAT  
11 SCHOOL IS LOCATED.

12 (C) THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY.

13 (ii) FOR A NONPUBLIC SCHOOL, THE GOVERNING BODY OF THAT  
14 NONPUBLIC SCHOOL.

15 (B) "NONPUBLIC SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 5  
16 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

17 (C) "PUBLIC SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 5 OF  
18 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

19 (D) "PUBLIC SCHOOL ACADEMY" MEANS THAT TERM AS DEFINED IN  
20 SECTION 5 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

21 (E) "SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 237A OF THE  
22 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A.

23 (F) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION  
24 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A.