

HOUSE BILL NO. 4770

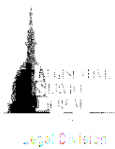
June 20, 2019, Introduced by Reps. Steven Johnson, Hoytenga, Maddock, Reilly, Slagh, Bellino, Wozniak, Hall, Hornberger, Paquette, Meerman, Miller, Chirkun, LaFave, Green and Lower and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 231 and 237a (MCL 750.231 and 750.237a), as amended by 2017 PA 96; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 231. (1) Except as provided in subsection (2), sections
2 224, 224a, 224b, **and** 224d, ~~227, 227e, and 227d~~ do not apply to any
3 of the following:

4 (a) A peace officer of an authorized police agency of the
5 United States, of this state, or of a political subdivision of this



1 state, who is regularly employed and paid by the United States,
2 this state, or a political subdivision of this state.

3 (b) A person who is regularly employed by the ~~state~~ department
4 of corrections and who is authorized in writing by the director of
5 the department of corrections to carry a concealed weapon while in
6 the official performance of his or her duties or while going to or
7 returning from those duties.

8 (c) A person employed by a private vendor that operates a
9 youth correctional facility authorized under section 20g of the
10 corrections code of 1953, 1953 PA 232, MCL 791.220g, who meets the
11 same criteria established by the director of the ~~state~~ department
12 of corrections for departmental employees described in subdivision
13 (b) and who is authorized in writing by the director of the
14 department of corrections to carry a concealed weapon while in the
15 official performance of his or her duties or while going to or
16 returning from those duties.

17 (d) A member of the United States Army, Air Force, Navy, or
18 Marine Corps or the United States Coast Guard while carrying
19 weapons in the line of or incidental to duty.

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

22 (f) A member of the National Guard, United States Armed Forces
23 Reserve, the United States Coast Guard Reserve, or any other
24 authorized military organization while on duty or drill, or in
25 going to or returning from a place of assembly or practice, while
26 carrying weapons used for a purpose of the National Guard, United
27 States Armed Forces Reserve, United States Coast Guard Reserve, or
28 other duly authorized military organization.

29 (g) A security employee employed by the state and granted



1 limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

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

4 (2) As applied to section 224a(1) only, subsection (1) is not
5 applicable to an individual included under subsection (1)(a), (b),
6 or (c) unless he or she has been trained on the use, effects, and
7 risks of using a portable device or weapon described in section
8 224a(1).

9 Sec. 237a. (1) An individual who engages in conduct proscribed
10 under section 224, 224a, 224b, 224c, 224e, 226, ~~227, 227a, 227f,~~
11 234a, 234b, or 234c, or who engages in conduct proscribed under
12 section 223(2) for a second or subsequent time, in a weapon free
13 school zone is guilty of a felony punishable by 1 or more of the
14 following:

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

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

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

20 (2) An individual who engages in conduct proscribed under
21 section 223(1), 224d, ~~227e, 227d,~~ 231c, 232a(1) or (4), 233, 234,
22 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed
23 under section 223(2) for the first time, in a weapon free school
24 zone is guilty of a misdemeanor punishable by 1 or more of the
25 following:

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

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



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

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

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

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

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

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

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

14 (a) An individual employed by or contracted by a school if the
15 possession of that weapon is to provide security services for the
16 school.

17 (b) A peace officer.

18 (c) An individual licensed by this state or another state to
19 carry a concealed weapon.

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

23 (e) An individual who possesses a firearm on school property
24 if that possession is with the permission of the school's principal
25 or an agent of the school designated by the school's principal or
26 the school board.

27 (f) An individual who is 18 years of age or older, who is not
28 a student at the school, and who possesses a firearm on school
29 property while transporting a student to or from the school if any



1 of the following apply:

2 (i) The individual is carrying an antique firearm, completely
3 unloaded, in a wrapper or container in the trunk of a vehicle while
4 en route to or from a hunting or target shooting area or function
5 involving the exhibition, demonstration, or sale of antique
6 firearms.

7 (ii) The individual is carrying a firearm unloaded in a wrapper
8 or container in the trunk of the ~~person's~~ **individual's** vehicle,
9 while in possession of a valid Michigan hunting license or proof of
10 valid membership in an organization having shooting range
11 facilities, and while en route to or from a hunting or target
12 shooting area.

13 (iii) The individual is carrying a firearm unloaded in a wrapper
14 or container in the trunk of the individual's vehicle from the
15 place of purchase to his or her home or place of business or to a
16 place of repair or back to his or her home or place of business, or
17 in moving goods from one place of abode or business to another
18 place of abode or business.

19 (iv) The individual is carrying an unloaded firearm in the
20 passenger compartment of a vehicle that does not have a trunk, if
21 the individual is otherwise complying with the requirements of
22 subparagraph (ii) or (iii) and the wrapper or container is not readily
23 accessible to the occupants of the vehicle.

24 (6) As used in this section:

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

26 (i) A firearm not designed or redesigned for using rimfire or
27 conventional center fire ignition with fixed ammunition and
28 manufactured in or before 1898, including a matchlock, flintlock,
29 percussion cap, or similar type of ignition system or a replica of



1 such a firearm, whether actually manufactured before or after the
2 year 1898.

3 (ii) A firearm using fixed ammunition manufactured in or before
4 1898, for which ammunition is no longer manufactured in the United
5 States and is not readily available in the ordinary channels of
6 commercial trade.

7 (b) "School" means a public, private, denominational, or
8 parochial school offering developmental kindergarten, kindergarten,
9 or any grade from 1 through 12.

10 (c) "School property" means a building, playing field, or
11 property used for school purposes to impart instruction to children
12 or used for functions and events sponsored by a school, except a
13 building used primarily for adult education or college extension
14 courses.

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

16 (e) "Weapon free school zone" means school property and a
17 vehicle used by a school to transport students to or from school
18 property.

19 Enacting section 1. Sections 227, 227a, 227c, 227d, 231a, and
20 234d of the Michigan penal code, 1931 PA 328, MCL 750.227,
21 750.227a, 750.227c, 750.227d, 750.231a, and 750.234d are repealed.

