

HOUSE BILL NO. 5994

July 23, 2020, Introduced by Reps. Meerman, Wozniak, Paquette, Steven Johnson, Berman, Marino, Rendon, Warren, Bolden, Anthony, Yancey, Hood, Brenda Carter, Peterson, Garrett, Tyrone Carter, Tate, Chirkun, Rabhi, Howell and Jones and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 227b (MCL 750.227b), as amended by 2015 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227b. (1) A person who carries or has in his or her
2 possession a firearm when he or she commits or attempts to commit a
3 felony, except a violation of section 223, 227, 227a, or 230, is
4 guilty of a felony and shall be punished by imprisonment for ~~2~~**not**
5 **more than 3** years. Upon a second conviction under this subsection,
6 the person shall be punished by imprisonment for 5 years. Upon a



1 third or subsequent conviction under this subsection, the person
2 shall be punished by imprisonment for 10 years.

3 (2) A person who carries or has in his or her possession a
4 pneumatic gun and uses that pneumatic gun in furtherance of
5 committing or attempting to commit a felony, except a violation of
6 section 223, 227, 227a, or 230, is guilty of a felony and shall be
7 punished by imprisonment for ~~2~~**not more than 3** years. Upon a second
8 conviction under this subsection, the person shall be punished by
9 imprisonment for 5 years. Upon a third or subsequent conviction
10 under this subsection, the person shall be punished by imprisonment
11 for 10 years.

12 (3) **A term of imprisonment for a first conviction under this**
13 **section may be served either concurrently or consecutively to any**
14 **term of imprisonment imposed for the conviction of the felony or**
15 **attempt to commit a felony.** A term of imprisonment ~~prescribed by~~
16 **imposed for a second or subsequent conviction under** this section is
17 in addition to the sentence imposed for the conviction of the
18 felony or the attempt to commit the felony and shall be served
19 consecutively with and preceding any term of imprisonment imposed
20 for the conviction of the felony or attempt to commit the felony.

21 (4) ~~A term of imprisonment imposed under this section shall~~
22 ~~not be suspended. The~~ **Except for the first conviction, the** person
23 subject to the sentence ~~mandated by~~**under** this section is not
24 eligible for parole or probation during the ~~mandatory~~ term imposed
25 under subsection (1) or (2).

26 (5) This section does not apply to a law enforcement officer
27 who is authorized to carry a firearm while in the official
28 performance of his or her duties and who is in the performance of
29 those duties. As used in this subsection, "law enforcement officer"



1 means a person who is regularly employed as a member of ~~a duty~~**an**
2 authorized police agency or other organization of the United
3 States, this state, or a city, county, township, or village of this
4 state and who is responsible for the prevention and detection of
5 crime and the enforcement of the general criminal laws of this
6 state.

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

