

SENATE BILL NO. 730

September 22, 1999, Introduced by Senators A. SMITH, YOUNG,
EMERSON, ROGERS, SIKKEMA, HART, MURPHY, V. SMITH, SCHWARZ
and LELAND and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 237a (MCL 750.237a), as added by 1994 PA
158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 237a. (1) An individual who engages in conduct pro-
2 scribed under section 224, 224a, 224b, 224c, 224e, 226, 227,
3 227a, 227f, 234a, 234b, or 234c, or who engages in conduct pro-
4 scribed under section 223(2) for a second or subsequent time, in
5 a weapon free school zone is guilty of a felony punishable by 1
6 or more of the following:

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

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

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

3 (2) An individual who engages in conduct proscribed under
4 section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1) or (4),
5 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct
6 proscribed under section 223(2) for the first time, in a weapon
7 free school zone is guilty of a misdemeanor punishable by 1 or
8 more of the following:

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

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

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

15 (3) Subsections (1) and (2) do not apply to conduct pro-
16 scribed under a section enumerated in those subsections to the
17 extent that the proscribed conduct is otherwise exempted or
18 authorized under this chapter.

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

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

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

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

25 (5) Subsection (4) does not apply to A PEACE OFFICER. ~~any~~
26 ~~of the following:~~

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

4 ~~(b) A peace officer.~~

5 ~~(c) An individual licensed by this state or another state to~~
6 ~~carry a concealed weapon.~~

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

10 ~~(e) An individual who possesses a firearm on school property~~
11 ~~if that possession is with the permission of the school's princi-~~
12 ~~pal or an agent of the school designated by the school's princi-~~
13 ~~pal or the school board.~~

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

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

23 ~~(ii) The individual is carrying a firearm unloaded in a~~
24 ~~wrapper or container in the trunk of the person's vehicle, while~~
25 ~~in possession of a valid Michigan hunting license or proof of~~
26 ~~valid membership in an organization having shooting range~~

~~1 facilities, and while en route to or from a hunting or target
2 shooting area.~~

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

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

14 (6) As used in this section:

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

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

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

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

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

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