

HOUSE BILL No. 4744

May 10, 2007, Introduced by Reps. Horn, Acciavatti, Stahl, Green, Agema, LeBlanc, Scott, Moss and Meltzer 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 and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 sections 1 and 5o (MCL 28.421 and 28.425o), as amended by 2002 PA 719.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Felony" means that term as defined in section 1 of

1 chapter I of the code of criminal procedure, 1927 PA 175, MCL
2 761.1, or a violation of a law of the United States or another
3 state that is designated as a felony or that is punishable by death
4 or by imprisonment for more than 1 year.

5 (b) "Firearm" means a weapon from which a dangerous projectile
6 may be propelled by an explosive, or by gas or air. Firearm does
7 not include a smooth bore rifle or handgun designed and
8 manufactured exclusively for propelling by a spring, or by gas or
9 air, BB's not exceeding .177 caliber.

10 (c) "Misdemeanor" means a violation of a penal law of this
11 state or violation of a local ordinance substantially corresponding
12 to a violation of a penal law of this state that is not a felony or
13 a violation of an order, rule, or regulation of a state agency that
14 is punishable by imprisonment or a fine that is not a civil fine,
15 or both.

16 (d) "Peace officer" means, except as otherwise provided in
17 this act, an individual who is employed as a law enforcement
18 officer, as that term is defined under section 2 of the commission
19 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
20 state or another state, a political subdivision of this state or
21 another state, or the United States, and who is required to carry a
22 firearm in the course of his or her duties as a law enforcement
23 officer.

24 (e) "Pistol" means a loaded or unloaded firearm that is 30
25 inches or less in length, or a loaded or unloaded firearm that by
26 its construction and appearance conceals it as a firearm.

27 (f) "Purchaser" means a person who receives a pistol from

1 another person by purchase or gift.

2 (g) "Reserve peace officer", "auxiliary officer", or "reserve
3 officer" means, except as otherwise provided in this act, an
4 individual authorized on a voluntary or irregular basis by a duly
5 authorized police agency of this state or a political subdivision
6 of this state to act as a law enforcement officer, who is
7 responsible for the preservation of the peace, the prevention and
8 detection of crime, and the enforcement of the general criminal
9 laws of this state, and who is otherwise eligible to possess a
10 firearm under this act.

11 (h) "Retired police officer" or "retired law enforcement
12 officer" means an individual who was a certified police officer or
13 certified law enforcement officer as those terms are defined under
14 section 2(k) of the commission on the law enforcement standards
15 act, 1965 PA 203, MCL 28.602, and retired in good standing from his
16 or her employment as a police officer or law enforcement officer.

17 (i) "Seller" means a person who sells or gives a pistol to
18 another person.

19 **(J) "STATE COURT JUDGE" MEANS A JUDGE OF THE DISTRICT COURT,**
20 **CIRCUIT COURT, PROBATE COURT, OR COURT OF APPEALS OR JUSTICE OF THE**
21 **SUPREME COURT OF THIS STATE WHO IS SERVING EITHER BY ELECTION OR**
22 **APPOINTMENT.**

23 **(K) "STATE COURT RETIRED JUDGE" MEANS A JUDGE OR JUSTICE**
24 **DESCRIBED IN SUBDIVISION (J) WHO IS RETIRED.**

25 Sec. 50. (1) Subject to subsection (4), an individual licensed
26 under this act to carry a concealed pistol, or who is exempt from
27 licensure under section 12a(f), shall not carry a concealed pistol

1 on the premises of any of the following:

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

9 (b) A public or private child care center or day care center,
10 public or private child caring institution, or public or private
11 child placing agency.

12 (c) A sports arena or stadium.

13 (d) A bar or tavern licensed under the Michigan liquor control
14 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
15 primary source of income of the business is the sale of alcoholic
16 liquor by the glass and consumed on the premises. This subdivision
17 ~~shall~~**DOES** not apply to an owner or employee of the business. The
18 Michigan liquor control commission shall develop and make available
19 to holders of licenses under the Michigan liquor control code of
20 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
21 stating that "This establishment prohibits patrons from carrying
22 concealed weapons". The owner or operator of an establishment
23 licensed under the Michigan liquor control code of 1998, 1998 PA
24 58, MCL 436.1101 to 436.2303, may, but shall **IS** not be required to,
25 post the sign developed under this subdivision. A record made
26 available by an establishment licensed under the Michigan liquor
27 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303,

1 necessary to enforce this subdivision is exempt from disclosure
2 under the freedom of information act, 1976 PA 442, MCL 15.231 to
3 15.246.

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

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

14 (g) A hospital.

15 (h) A dormitory or classroom of a community college, college,
16 or university.

17 (2) An individual licensed under this act to carry a concealed
18 pistol, or who is exempt from licensure under section 12a(f), shall
19 not carry a concealed pistol in violation of R 432.1212 or a
20 successor rule of the Michigan administrative code promulgated
21 ~~pursuant to~~ **UNDER** the Michigan gaming control and revenue act, the
22 Initiated Law of 1996, MCL 432.201 to 432.226.

23 (3) As used in subsection (1), "premises" does not include
24 parking areas of the places identified under subsection (1).

25 (4) Subsection (1) does not apply to any of the following:

26 (a) An individual licensed under this act who is a retired
27 police officer or retired law enforcement officer. The concealed

1 weapon licensing board may require a letter from the law
2 enforcement agency stating that the retired police officer or law
3 enforcement officer retired in good standing.

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

9 (c) An individual who is licensed as a private investigator or
10 private detective under the private detective license act, 1965 PA
11 285, MCL 338.821 to 338.851.

12 (d) Any of the following who is licensed under this act while
13 on duty and in the course of his or her employment:

14 (i) A corrections officer of a county sheriff's department.

15 (ii) A motor carrier officer or capitol security officer of the
16 department of state police.

17 (iii) A member of a sheriff's posse.

18 (iv) An auxiliary officer or reserve officer of a police or
19 sheriff's department.

20 (v) A parole or probation officer of the department of
21 corrections.

22 (E) A STATE COURT JUDGE OR STATE COURT RETIRED JUDGE WHO IS
23 LICENSED UNDER THIS ACT. THE CONCEALED WEAPON LICENSING BOARD MAY
24 REQUIRE A STATE COURT RETIRED JUDGE TO OBTAIN AND CARRY A LETTER
25 FROM THE JUDICIAL TENURE COMMISSION STATING THAT THE STATE COURT
26 RETIRED JUDGE IS IN GOOD STANDING AS AUTHORIZED UNDER ARTICLE VI,
27 SECTION 30 OF THE STATE CONSTITUTION OF 1963, AND RULES PROMULGATED

1 UNDER THAT SECTION IN ORDER TO QUALIFY UNDER THIS SUBDIVISION.

2 (5) An individual who violates this section is responsible for
3 a state civil infraction or guilty of a crime as follows:

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

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

12 (c) For a third or subsequent violation, the individual is
13 guilty of a felony punishable by imprisonment for not more than 4
14 years or a fine of not more than \$5,000.00, or both. The court
15 shall order the individual's license to carry a concealed pistol
16 revoked.