

# HOUSE BILL No. 4560

May 2, 2017, Introduced by Reps. Hammoud, Sabo, Geiss, Hoadley, Schor, Elder, Wittenberg, Love, Santana, Gay-Dagnogo and Sneller and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 234d and 237a (MCL 750.234d and 750.237a),  
section 234d as amended by 1994 PA 158 and section 237a as amended  
by 2015 PA 26.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 234d. (1) Except as provided in subsection (2), ~~a person~~  
2 **AN INDIVIDUAL** shall not possess a firearm on the premises of any of  
3 the following:

4       (a) A depository financial institution or a subsidiary or  
5 affiliate of a depository financial institution.

6       (b) A church or other house of religious worship.

7       (c) A court.

8       (d) A theatre.

1 (e) A sports arena.

2 (f) A day care center.

3 (g) A hospital.

4 (h) An establishment licensed under the Michigan liquor  
5 control act, ~~Act No. 8 of the Public Acts of the Extra Session of~~  
6 ~~1933, being sections 436.1 to 436.58 of the Michigan Compiled~~  
7 ~~Laws.~~ **CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.**

8 **(I) A POLICE STATION, IF THE POLICE STATION HAS A SIGN POSTED**  
9 **AT EACH ENTRANCE STATING THAT THE POSSESSION OF FIREARMS IS**  
10 **PROHIBITED ON THE PREMISES.**

11 (2) This section does not apply to any of the following:

12 (a) ~~A person~~ **AN INDIVIDUAL** who owns, or is employed by or  
13 contracted by, an entity described in subsection (1) if the  
14 possession of that firearm is to provide security services for that  
15 entity.

16 (b) A peace officer.

17 ~~— (c) A person licensed by this state or another state to carry~~  
18 ~~a concealed weapon.~~

19 **(C) ~~(d) A person~~ AN INDIVIDUAL** who possesses a firearm on the  
20 premises of an entity described in subsection (1) if that  
21 possession is with the permission of the owner or an agent of the  
22 owner of that entity.

23 **(D) AN INDIVIDUAL WHO POSSESSES A FIREARM AT A POLICE STATION**  
24 **IF THAT INDIVIDUAL POSSESSES THE FIREARM FOR 1 OF THE FOLLOWING**  
25 **PURPOSES:**

26 **(i) TO RELINQUISH THAT FIREARM TO THE POLICE DEPARTMENT TO BE**  
27 **DESTROYED.**

1           (ii) TO RELINQUISH THAT FIREARM TO THE POLICE DEPARTMENT AS  
2 EVIDENCE.

3           (3) ~~A person~~ **AN INDIVIDUAL** who violates this section is guilty  
4 of a misdemeanor punishable by imprisonment for not more than 90  
5 days or a fine of not more than \$100.00, or both.

6           Sec. 237a. (1) An individual who engages in conduct proscribed  
7 under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,  
8 234a, 234b, or 234c, or who engages in conduct proscribed under  
9 section 223(2) for a second or subsequent time, in a weapon free  
10 school zone is guilty of a felony punishable by 1 or more of the  
11 following:

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

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

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

17           (2) An individual who engages in conduct proscribed under  
18 section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1) or (4), 233,  
19 234, 234e, 234f, 235, 236, or 237, or who engages in conduct  
20 proscribed under section 223(2) for the first time, in a weapon  
21 free school zone is guilty of a misdemeanor punishable by 1 or more  
22 of the following:

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

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

27           (c) A fine of not more than \$2,000.00 or the maximum fine

1 authorized for the section violated, whichever is greater.

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

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

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

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

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

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

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

16 (b) A peace officer.

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

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

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

26 **(E)** ~~(f)~~ An individual who is 18 years of age or older who is  
27 not a student at the school and who possesses a firearm on school

1 property while transporting a student to or from the school if any  
2 of the following apply:

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

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

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

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

25 (6) As used in this section:

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

27 (i) A firearm not designed or redesigned for using rimfire or

1 conventional center fire ignition with fixed ammunition and  
2 manufactured in or before 1898, including a matchlock, flintlock,  
3 percussion cap, or similar type of ignition system or a replica of  
4 such a firearm, whether actually manufactured before or after the  
5 year 1898.

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

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

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

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

19 (e) "Weapon free school zone" means school property and a  
20 vehicle used by a school to transport students to or from school  
21 property.