

HOUSE BILL NO. 4863

May 18, 2021, Introduced by Reps. Steven Johnson, Carra, Hoitenga, Brann, Fink, Borton, Paquette, Beeler, Bellino, Reilly, Hornberger, Maddock and Allor 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, 227c, and 227d~~ do not apply to any
- 3 of the following:
- 4 (a) A peace officer of an authorized police agency of the

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

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

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

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

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

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

1 (g) A security employee employed by the state and granted
2 limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

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

5 (2) As applied to section 224a(1) only, subsection (1) is not
6 applicable to an individual included under subsection (1)(a), (b),
7 or (c) unless he or she has been trained on the use, effects, and
8 risks of using a portable device or weapon described in section
9 224a(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) A peace officer.

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

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

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

28 (f) An individual who is 18 years of age or older, who is not
29 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 wrapper
9 or container in the trunk of the ~~person's~~ **individual's** vehicle,
10 while in possession of a valid Michigan hunting license or proof of
11 valid membership in an organization having shooting range
12 facilities, and while en route to or from a hunting or target
13 shooting area.

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

20 (iv) The individual is carrying an unloaded firearm in the
21 passenger compartment of a vehicle that does not have a trunk, if
22 the individual is otherwise complying with the requirements of
23 subparagraph (ii) or (iii) and the wrapper or container is not readily
24 accessible to the occupants of the 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
28 conventional center fire ignition with fixed ammunition and
29 manufactured in or before 1898, including a matchlock, flintlock,

1 percussion cap, or similar type of ignition system or a replica of
2 such a firearm, whether actually manufactured before or after the
3 year 1898.

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

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

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

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

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

20 Enacting section 1. Sections 227, 227a, 227c, 227d, 231a, and
21 234d of the Michigan penal code, 1931 PA 328, MCL 750.227,
22 750.227a, 750.227c, 750.227d, 750.231a, and 750.234d are repealed.