

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.528a.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 2, 2017 *****

750.528a.amended Definitions; firearm or explosive or incendiary device; teaching or demonstrating use, application, or construction in furtherance of civil disorder; unlawful assembly; exception; violation as felony.

Sec. 528a. (1) As used in this section:

(a) "Civil disorder" means any public disturbance involving the use of any firearm, explosive, or incendiary device by 3 or more assembled persons that causes an immediate danger to, or that results in damage or injury to, any property or person.

(b) "Explosive or incendiary device" means:

(i) Dynamite, gunpowder, or other similarly explosive substance.

(ii) Any bomb, grenade, missile, or similar device designed to expand suddenly and release internal energy resulting in an explosion.

(iii) Any incendiary bomb or grenade, fire bomb, or similar device designed to ignite, including any device that consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material that, if ignited, is capable of igniting the flammable liquid or compound; and that may be carried or thrown by a person.

(c) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

(d) "Law enforcement officer" means any of the following:

(i) A sheriff or sheriff's deputy, a village marshal or township constable, an officer of the police department of any city, village, or township, an officer of the Michigan state police, or a peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(ii) Any officer or employee of the United States, its possessions, or territories who is authorized to enforce the laws of the United States, its possessions, or its territories.

(iii) Any member of the National Guard, coast guard, military reserve, or the armed forces of the United States when acting in his or her official capacity.

(2) A person shall not teach or demonstrate to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if that person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder.

(3) A person shall not assemble with 1 or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or any explosive or incendiary device, if that person intends to use that firearm or device in, or in furtherance of, a civil disorder.

(4) This section does not apply to any act of a law enforcement officer that is performed in the lawful performance of his or her official duties as a law enforcement officer, or any activity of any hunting club, rifle club, rifle range, pistol range, shooting range, or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sports, self-defense, or other lawful activities.

(5) A person who violates this section is guilty of a felony.

History: Add. 1986, Act 113, Eff. Mar. 31, 1987;—Am. 2015, Act 26, Eff. July 1, 2015;—Am. 2016, Act 297, Eff. Jan. 2, 2017.