

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 53**

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 2015 PA 3.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1. (1) As used in this act:
- 2           (a) "Felony" means, except as otherwise provided in this
- 3           subdivision, that term as defined in section 1 of chapter I of the

1 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
2 of a law of the United States or another state that is designated  
3 as a felony or that is punishable by death or by imprisonment for  
4 more than 1 year. Felony does not include a violation of a penal  
5 law of this state that is expressly designated as a misdemeanor.

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

11 (c) "Firearms records" means any form, information, or record  
12 required for submission to a government agency under sections 2,  
13 2a, 2b, and 5b, or any form, permit, or license issued by a  
14 government agency under this act.

15 (d) "Misdemeanor" means a violation of a penal law of this  
16 state or violation of a local ordinance substantially corresponding  
17 to a violation of a penal law of this state that is not a felony or  
18 a violation of an order, rule, or regulation of a state agency that  
19 is punishable by imprisonment or a fine that is not a civil fine,  
20 or both.

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

1 officer.

2 (f) "Pistol" means a loaded or unloaded firearm that is 26  
3 inches or less in length, or a loaded or unloaded firearm that by  
4 its construction and appearance conceals it as a firearm.

5 (g) "Purchaser" means a person who receives a pistol from  
6 another person by purchase or gift.

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

16 (I) "RETIRED FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN  
17 INDIVIDUAL WHO WAS AN OFFICER OR AGENT EMPLOYED BY A LAW  
18 ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY  
19 RESPONSIBILITY WAS ENFORCING LAWS OF THE UNITED STATES, WHO WAS  
20 REQUIRED TO CARRY A FIREARM IN THE COURSE OF HIS OR HER DUTIES AS A  
21 LAW ENFORCEMENT OFFICER, AND WHO RETIRED IN GOOD STANDING FROM HIS  
22 OR HER EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT OFFICER.

23 (J) ~~(i)~~ "Retired police officer" or "retired law enforcement  
24 officer" means an individual who was a police officer or law  
25 enforcement officer who was certified as described under section 9a  
26 of the commission on law enforcement standards act, 1965 PA 203,  
27 MCL 28.609a, and retired in good standing from his or her

1 employment as a police officer or law enforcement officer. A police  
2 officer or law enforcement officer retired in good standing if he  
3 or she receives a pension or other retirement benefit for his or  
4 her service as a police officer or law enforcement officer or  
5 actively maintained a Michigan commission on law enforcement  
6 standards or equivalent state certification for 10 or more  
7 consecutive years.

8       **(K)** ~~(j)~~—"Seller" means a person who sells or gives a pistol to  
9 another person.

10       **(l)** ~~(k)~~—"State court judge" means a judge of the district  
11 court, circuit court, probate court, or court of appeals or justice  
12 of the supreme court of this state who is serving either by  
13 election or appointment.

14       **(M)** ~~(l)~~—"State court retired judge" means a judge or justice  
15 described in subdivision ~~(k)~~ **(l)** who is retired, or a retired judge  
16 of the recorders court.

17       (2) A person may lawfully own, possess, carry, or transport as  
18 a pistol a firearm greater than 26 inches in length if all of the  
19 following conditions apply:

20       (a) The person registered the firearm as a pistol under  
21 section 2 or 2a before January 1, 2013.

22       (b) The person who registered the firearm as described in  
23 subdivision (a) has maintained registration of the firearm since  
24 January 1, 2013 without lapse.

25       (c) The person possesses a copy of the license or record  
26 issued to him or her under section 2 or 2a.

27       (3) A person who satisfies all of the conditions listed under

1 subsection (2) nevertheless may elect to have the firearm not be  
2 considered to be a pistol. A person who makes the election under  
3 this subsection shall notify the department of state police of the  
4 election in a manner prescribed by that department.

5 Sec. 50. (1) Subject to subsection (5), an individual licensed  
6 under this act to carry a concealed pistol, or who is exempt from  
7 licensure under section 12a(1)(h), shall not carry a concealed  
8 pistol on the premises of any of the following:

9 (a) A school or school property except that a parent or legal  
10 guardian of a student of the school is not precluded from carrying  
11 a concealed pistol while in a vehicle on school property, if he or  
12 she is dropping the student off at the school or picking up the  
13 student from the school. As used in this section, "school" and  
14 "school property" mean those terms as defined in section 237a of  
15 the Michigan penal code, 1931 PA 328, MCL 750.237a.

16 (b) A public or private child care center or day care center,  
17 public or private child caring institution, or public or private  
18 child placing agency.

19 (c) A sports arena or stadium.

20 (d) A bar or tavern licensed under the Michigan liquor control  
21 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
22 primary source of income of the business is the sale of alcoholic  
23 liquor by the glass and consumed on the premises. This subdivision  
24 does not apply to an owner or employee of the business. The  
25 Michigan liquor control commission shall develop and make available  
26 to holders of licenses under the Michigan liquor control code of  
27 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign

1 stating that "This establishment prohibits patrons from carrying  
2 concealed weapons". The owner or operator of an establishment  
3 licensed under the Michigan liquor control code of 1998, 1998 PA  
4 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
5 sign developed under this subdivision.

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

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

16 (g) A hospital.

17 (h) A dormitory or classroom of a community college, college,  
18 or university.

19 (2) Subject to subsection (5), an individual shall not carry a  
20 portable device that uses electro-muscular disruption technology on  
21 any of the premises described in subsection (1).

22 (3) An individual licensed under this act to carry a concealed  
23 pistol, or who is exempt from licensure under section 12a(1)(h),  
24 shall not carry a concealed pistol in violation of R 432.1212 or a  
25 successor rule of the Michigan administrative code promulgated  
26 under the Michigan gaming control and revenue act, 1996 IL 1, MCL  
27 432.201 to 432.226.

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

3 (5) Subsections (1) and (2) do not apply to any of the  
4 following:

5 (a) An individual licensed under this act who is a retired  
6 police officer, ~~or~~ retired law enforcement officer, **OR RETIRED**  
7 **FEDERAL LAW ENFORCEMENT OFFICER.**

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

13 (c) An individual who is licensed as a private investigator or  
14 private detective under the professional investigator licensure  
15 act, 1965 PA 285, MCL 338.821 to 338.851.

16 (d) An individual who is licensed under this act and who is a  
17 corrections officer of a county sheriff's department.

18 (e) An individual who is licensed under this act and who is a  
19 motor carrier officer or capitol security officer of the department  
20 of state police.

21 (f) An individual who is licensed under this act and who is a  
22 member of a sheriff's posse.

23 (g) An individual who is licensed under this act and who is an  
24 auxiliary officer or reserve officer of a police or sheriff's  
25 department.

26 (h) An individual who is licensed under this act and who is a  
27 parole or probation officer of the department of corrections.

1           (i) A state court judge or state court retired judge who is  
2 licensed under this act.

3           (j) An individual who is licensed under this act and who is a  
4 court officer.

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

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

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

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

20           Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.