

SENATE BILL No. 612

October 17, 1989, Introduced by Senator KELLY and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to amend sections 231 and 231a of Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," section 231 as amended by Act No. 103 of the Public Acts of 1981, being sections 750.231 and 750.231a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 231 and 231a of Act No. 328 of the
2 Public Acts of 1931, section 231 as amended by Act No. 103 of the
3 Public Acts of 1981, being sections 750.231 and 750.231a of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 231. Sections 224, 227, 227c, and 227d do not apply to
6 any OF THE FOLLOWING:

7 (A) A peace officer of a duly authorized police agency of
8 the United States, of this state, or of ~~any~~ A political

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

4 (B) EXCEPT AS OTHERWISE PROVIDED IN SECTION 231A, A person
 5 regularly employed by the state department of corrections ~~and~~
 6 WHO IS authorized in writing by the director of the department of
 7 corrections to carry a concealed weapon while in the official
 8 performance of his or her duties or while going to or returning
 9 from those duties. ~~or to any~~

10 (C) A member of the army, air force, navy, or marine corps
 11 of the United States when carrying ~~weapons~~ A WEAPON in line of
 12 or incidental to duty. ~~or to organizations~~

13 (D) AN ORGANIZATION authorized by law to purchase or receive
 14 weapons from the United States or from this state. ~~or to~~
 15 ~~members~~

16 (E) A MEMBER of the national guard, armed forces reserves,
 17 or other duly authorized military ~~organizations~~ ORGANIZATION
 18 when on duty or drill, or in going to or returning from ~~their~~
 19 ~~places~~ HIS OR HER PLACE of assembly or practice by a direct
 20 route or otherwise, while carrying ~~weapons~~ A WEAPON used for
 21 purposes of the national guard, armed forces reserves, or other
 22 duly authorized military ~~organizations~~ ORGANIZATION.

23 Sec. 231a. (1) Section 227 does not apply to any of the
 24 following:

25 (a) To a person holding a valid license to carry a pistol
 26 concealed upon his or her person issued by another state except

1 where the pistol is carried in nonconformance with a restriction
2 appearing on the license.

3 (b) To the regular and ordinary transportation of pistols as
4 merchandise by an authorized agent of a person licensed to manu-
5 facture firearms.

6 (c) To a person carrying an antique firearm as defined in
7 subsection ~~-(2)-~~ (5), completely unloaded, in a wrapper or con-
8 tainer in the trunk of a vehicle while en route to or from a
9 hunting or target shooting area or function involving the exhibi-
10 tion, demonstration, or sale of antique firearms.

11 (d) To a person while carrying a pistol unloaded in a wrap-
12 per or container in the trunk of the person's vehicle, while in
13 possession of a valid Michigan hunting license or proof of valid
14 membership in an organization having pistol shooting range facil-
15 ities, and while en route to or from a hunting or target shooting
16 area.

17 (e) To a person while carrying a pistol unloaded in a wrap-
18 per or container in the trunk of the person's vehicle from the
19 place of purchase to his or her home or place of business or to a
20 place of repair or back to his or her home or place of business,
21 or in moving goods from one place of abode or business to another
22 place of abode or business.

23 (f) To a person while carrying an unloaded pistol in the
24 passenger compartment of a vehicle which does not have a trunk,
25 if the person is otherwise complying with the requirements of
26 subdivision (d) or (e) and the wrapper or container is not
27 readily accessible to the occupants of the vehicle.

1 (G) TO A PROBATION OR PAROLE OFFICER EMPLOYED BY THE STATE
2 DEPARTMENT OF CORRECTIONS PURSUANT TO APPOINTMENT BY THE COMMIS-
3 SION OF CORRECTIONS, WHILE IN THE OFFICIAL PERFORMANCE OF HIS OR
4 HER DUTIES, IF THE PROBATION OR PAROLE OFFICER HAS COMPLETED
5 FIREARMS SAFETY TRAINING APPROVED BY THE DIRECTOR OF THE DEPART-
6 MENT OF CORRECTIONS.

7 (H) TO A PROBATION OFFICER EMPLOYED BY THE PROBATE COURT OF
8 A COUNTY OR PROBATE COURT DISTRICT OR A DISTRICT OF THE DISTRICT
9 COURT WHO IS A MEMBER OF A COLLECTIVE BARGAINING UNIT, IF THE
10 PROBATION OFFICER COMPLETES FIREARMS TRAINING APPROVED BY THE LAW
11 ENFORCEMENT COUNCIL CREATED BY THE MICHIGAN LAW ENFORCEMENT OFFI-
12 CERS TRAINING COUNCIL ACT OF 1965, ACT NO. 203 OF THE PUBLIC ACTS
13 OF 1965, BEING SECTIONS 28.601 TO 28.616 OF THE MICHIGAN COMPILED
14 LAWS.

15 (2) NOTWITHSTANDING SUBSECTION (1)(G) AND (H), SECTION 227
16 SHALL APPLY TO A PROBATION OR PAROLE OFFICER WHO IS PRECLUDED
17 FROM BEING SOLD A FIREARM UNDER SECTION 922(d) OF CRIMES AND
18 CRIMINAL PROCEDURE, 18 U.S.C. 922, OR UNDER SECTION 2(1) OF ACT
19 NO. 372 OF THE PUBLIC ACTS OF 1927, BEING SECTION 28.422 OF THE
20 MICHIGAN COMPILED LAWS.

21 (3) UPON THE WRITTEN REQUEST OF A PROBATION OFFICER
22 DESCRIBED IN SUBSECTION (1)(H), THE JUDGE OR ADMINISTRATOR OF THE
23 COURT BY WHOM THE OFFICER IS EMPLOYED, WITHIN 5 BUSINESS DAYS
24 AFTER RECEIVING THE REQUEST, SHALL SCHEDULE FIREARMS TRAINING FOR
25 THE OFFICER THAT IS APPROPRIATE TO MEET THE REQUIREMENTS OF SUB-
26 SECTION (1)(H) AND SHALL NOTIFY THE OFFICER OF THE SCHEDULED
27 TRAINING.

1 (4) A TRAINING AGENCY PROVIDING FIREARMS TRAINING APPROVED
2 BY THE LAW ENFORCEMENT COUNCIL TO A PROBATION OFFICER DESCRIBED
3 IN SUBSECTION (1)(H), UPON COMPLETION OF THE TRAINING BY THE PRO-
4 BATION OFFICER, SHALL ISSUE TO THE OFFICER A CERTIFICATE OF COM-
5 PLETION OR OTHER WRITING VERIFYING THAT THE OFFICER COMPLETED THE
6 TRAINING.

7 (5) ~~-(2)-~~ As used in this section, "antique firearm" means
8 either of the following:

9 (a) A firearm not designed or redesigned for using rimfire
10 or conventional center fire ignition with fixed ammunition and
11 manufactured in or before 1898, including a matchlock, flintlock,
12 percussion cap, or similar type of ignition system or replica
13 thereof, whether actually manufactured before or after the year
14 1898.

15 (b) A firearm using fixed ammunition manufactured in or
16 before 1898, for which ammunition is no longer manufactured in
17 the United States and is not readily available in the ordinary
18 channels of commercial trade.