

HOUSE BILL No. 4822

May 14, 1991, Introduced by Reps. Bartnik, Hoffman, Bennane, Johnson, Berman, Profit, Gnodtke, Middaugh, Horton, McNutt, Bodem, Wozniak, Weeks, Byrum, Palamara, Porreca, Trim, Alley, Hertel, Martin, Harder, Perry Bullard, Brackenridge, Hoekman, Nye and Middleton and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend sections 227f, 234a, 234d, and 234f of Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," as added by Act No. 321 of the Public Acts of 1990, being sections 750.227f, 750.234a, 750.234d, and 750.234f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 227f 234a, 234d, and 234f, of Act
2 No. 328 of the Public Acts of 1931, as added by Act No. 321 of
3 the Public Acts of 1990, being sections 750.227f, 750.234a,
4 750.234d, and 750.234f of the Michigan Compiled Laws, are amended
5 to read as follows:

6 Sec. 227f. (1) ~~A person~~ EXCEPT AS PROVIDED IN
7 SUBSECTION (2), AN INDIVIDUAL who commits or attempts to commit a
8 crime that involves a violent act or a threat of a violent act

1 against another person while wearing body armor is guilty of a
2 felony, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR
3 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4 (2) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE
5 FOLLOWING:

6 (A) A PEACE OFFICER OF THIS STATE OR ANOTHER STATE, OR OF A
7 LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE, OR OF
8 THE UNITED STATES, PERFORMING HIS OR HER DUTIES AS A PEACE
9 OFFICER.

10 (B) A SECURITY OFFICER PERFORMING HIS OR HER DUTIES AS A
11 SECURITY OFFICER WHILE ON A SCHEDULED WORK SHIFT AS A SECURITY
12 OFFICER.

13 (3) ~~(2)~~ As used in this section: ~~,"body"~~

14 (A) "BODY armor" means clothing or a device designed or
15 intended to protect ~~the person~~ AN INDIVIDUAL'S BODY or a por-
16 tion of ~~the person's~~ AN INDIVIDUAL'S body from injury caused by
17 a firearm.

18 (B) "SECURITY OFFICER" MEANS AN INDIVIDUAL LAWFULLY EMPLOYED
19 TO PHYSICALLY PROTECT ANOTHER INDIVIDUAL OR TO PHYSICALLY PROTECT
20 THE PROPERTY OF ANOTHER PERSON.

21 Sec. 234a. (1) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
22 AN individual who intentionally discharges a firearm from a motor
23 vehicle, a snowmobile, or an off-road vehicle in such a manner as
24 to endanger the safety of another individual is guilty of a
25 felony, punishable by imprisonment for not more than 4 years, or
26 a fine of not more than \$2,000.00, or both.

1 (2) SUBSECTION (1) DOES NOT APPLY TO A PEACE OFFICER OF THIS
2 STATE OR ANOTHER STATE, OR OF A LOCAL UNIT OF GOVERNMENT OF THIS
3 STATE OR ANOTHER STATE, OR OF THE UNITED STATES, PERFORMING HIS
4 OR HER DUTIES AS A PEACE OFFICER.

5 Sec. 234d. (1) Except as provided in subsection (2), a
6 person shall not possess a firearm on the premises of any of the
7 following:

8 (a) A depository financial institution or a subsidiary or
9 affiliate ~~thereof~~ OF A DEPOSITORY FINANCIAL INSTITUTION.

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

11 (c) A school.

12 (d) A court.

13 (e) A theatre.

14 (f) A sports arena.

15 (g) A day care center.

16 (h) A hospital.

17 (i) An establishment licensed under the Michigan liquor con-
18 trol act, Act No. 8 Public Acts of the Extra Session of 1933,
19 being sections 436.1 to ~~436.68~~ 436.58 of the Michigan Compiled
20 Laws.

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

22 (a) A person who owns, or is employed by or contracted by,
23 an entity described in subsection (1) if the possession of that
24 firearm is to provide security services for that entity.

25 (b) A peace officer. ~~lawfully performing his or her duties~~
26 ~~as a peace officer.~~

1 (c) A person licensed by this state or another state to
2 carry a concealed weapon.

3 (d) A person who possesses a firearm in a school for pur-
4 poses of providing or receiving instruction in firearms safety.

5 (e) A person who possesses a firearm on the premises of an
6 entity described in subsection (1) if that possession is ~~for~~
7 ~~purposes of display or exhibition and~~ with the permission of the
8 owner or an agent of the owner of that entity.

9 (3) A person who violates this section is guilty of a misde-
10 meanor punishable by imprisonment for not more than 90 days, or a
11 fine of not more than \$100.00, or both.

12 Sec. 234f. (1) ~~A person~~ EXCEPT AS PROVIDED IN
13 SUBSECTION (2), AN INDIVIDUAL less than 18 years of age shall not
14 possess a firearm in public except under the direct supervision
15 of ~~a person~~ AN INDIVIDUAL 18 years of age or older.

16 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL LESS THAN
17 18 YEARS OF AGE WHO POSSESSES A FIREARM IN ACCORDANCE WITH THE
18 WILDLIFE CONSERVATION ACT, ACT NO. 256 OF THE PUBLIC ACTS OF
19 1988, BEING SECTIONS 300.251 TO 300.270 OF THE MICHIGAN COMPILED
20 LAWS, OR THE HUNTING AND FISHING LICENSE ACT, ACT NO. 86 OF THE
21 PUBLIC ACTS OF 1980, BEING SECTIONS 316.101 TO 316.902 OF THE
22 MICHIGAN COMPILED LAWS.

23 (3) ~~(2) A person~~ AN INDIVIDUAL who violates this section
24 is guilty of a misdemeanor, punishable by imprisonment for not
25 more than 90 days, or a fine of not more than \$100.00, or both.