

SENATE BILL No. 58

February 6, 1991, Introduced by Senators KELLY, WELBORN and DINGELL and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 12a of Act No. 372 of the Public Acts of 1927, entitled as amended

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

being section 28.432a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12a of Act No. 372 of the Public Acts of
2 1927, being section 28.432a of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 12a. (1) Section 6 does not apply to:

5 (a) A peace officer of a duly authorized police agency of
6 the United States or of this state or a political subdivision of

1 this state, who is regularly employed and paid by the United
2 States or this state or a subdivision of this state, except that
3 section 6 does apply to a township constable.

4 (b) A constable who is trained and certified pursuant to THE
5 MICHIGAN LAW ENFORCEMENT OFFICERS TRAINING COUNCIL ACT OF 1965,
6 Act No. 203 of the Public Acts of 1965, as amended, being sec-
7 tions 28.601 to 28.616 of the Michigan Compiled Laws, who is
8 engaged in his or her official duties or going to or coming from
9 his or her official duties, and who is regularly employed and
10 paid by a political subdivision of this state.

11 (c) ~~—A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (I), A
12 person regularly employed by the department of corrections and
13 authorized in writing by the director of the department of cor-
14 rections to carry a concealed weapon concealed during the per-
15 formance of his or her duties or while going to or returning from
16 his or her duties.

17 (d) A member of the army, air force, navy, or marine corps
18 of the United States while carrying a weapon in line of duty.

19 (e) A member of the national guard, armed forces reserves,
20 or other duly authorized military organization while on duty or
21 drill or while going to or returning from his or her place of
22 assembly or practice or while carrying a weapon used for purposes
23 of a military organization.

24 (f) A person licensed to carry a pistol concealed upon his
25 or her person issued by another state.

1 (g) The regular and ordinary transportation of a pistol as
2 merchandise by an authorized agent of a person licensed to
3 manufacture firearms.

4 (h) A person while carrying a pistol unloaded in a wrapper
5 or container in the trunk of his or her vehicle from the place of
6 purchase to his or her home or place of business or to a place of
7 repair or back to his or her home or place of business, or in
8 moving goods from 1 place of abode or business to another place
9 of abode or business.

10 (I) A PROBATION OR PAROLE OFFICER EMPLOYED BY THE STATE
11 DEPARTMENT OF CORRECTIONS PURSUANT TO APPOINTMENT BY THE COMMIS-
12 SION OF CORRECTIONS WHILE IN THE OFFICIAL PERFORMANCE OF HIS OR
13 HER DUTIES, IF THE PROBATION OR PAROLE OFFICER HAS COMPLETED
14 FIREARMS SAFETY TRAINING APPROVED BY THE DIRECTOR OF THE DEPART-
15 MENT OF CORRECTIONS.

16 (J) A PROBATION OFFICER EMPLOYED BY THE PROBATE COURT OF A
17 COUNTY OR PROBATE COURT DISTRICT OR A DISTRICT OF THE DISTRICT
18 COURT WHO IS A MEMBER OF A COLLECTIVE BARGAINING UNIT, IF THE
19 PROBATION OFFICER COMPLETES FIREARMS TRAINING APPROVED BY THE LAW
20 ENFORCEMENT COUNCIL CREATED BY THE MICHIGAN LAW ENFORCEMENT OFFI-
21 CERS TRAINING COUNCIL ACT OF 1965, ACT NO. 203 OF THE PUBLIC ACTS
22 OF 1965, BEING SECTIONS 28.601 TO 28.616 OF THE MICHIGAN COMPILED
23 LAWS.

24 (2) NOTWITHSTANDING SUBSECTION (1)(I) AND (J), SECTION 6
25 APPLIES TO A PROBATION OR PAROLE OFFICER WHO IS PRECLUDED FROM
26 BEING SOLD A FIREARM UNDER SECTION 922(d) OF CHAPTER 44 OF
27 TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. 922, OR UNDER

1 SECTION 2(1) OF ACT NO. 372 OF THE PUBLIC ACTS OF 1927, BEING
2 SECTION 28.422 OF THE MICHIGAN COMPILED LAWS.

3 (3) UPON THE WRITTEN REQUEST OF A PROBATION OFFICER
4 DESCRIBED IN SUBSECTION (1)(J), THE JUDGE OR ADMINISTRATOR OF THE
5 COURT BY WHOM THE OFFICER IS EMPLOYED, WITHIN 5 BUSINESS DAYS
6 AFTER RECEIVING THE REQUEST, SHALL SCHEDULE FIREARMS TRAINING FOR
7 THE OFFICER THAT IS APPROPRIATE TO MEET THE REQUIREMENTS OF SUB-
8 SECTION (1)(J) AND SHALL NOTIFY THE OFFICER OF THE SCHEDULED
9 TRAINING.

10 (4) A TRAINING AGENCY PROVIDING FIREARMS TRAINING APPROVED
11 BY THE LAW ENFORCEMENT COUNCIL TO A PROBATION OFFICER DESCRIBED
12 IN SUBSECTION (1)(J), UPON COMPLETION OF THE TRAINING BY THE PRO-
13 BATION OFFICER, SHALL ISSUE TO THE OFFICER A CERTIFICATE OF COM-
14 PLETION OR OTHER WRITING VERIFYING THAT THE OFFICER COMPLETED THE
15 TRAINING.

16 Section 2. This amendatory act shall not take effect unless
17 Senate Bill No. 57
18 of the 86th Legislature is enacted into law.