



# SENATE BILL No. 1097

July 3, 1996, Introduced by Senator BERRYMAN and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding sections 402a and 402b; and to repeal acts and parts of acts.

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

1 Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding sections 402a and 402b to read as  
4 follows:

5 SEC. 402A. (1) A PERSON SHALL NOT DRILL OR PARADE WITH A  
6 FIREARM, REGARDLESS OF WHETHER THE FIREARM IS LOADED OR  
7 FUNCTIONING, ON PROPERTY OWNED OR LEASED BY THE STATE OR A LOCAL  
8 UNIT OF GOVERNMENT.

1 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS  
3 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

4 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 (A) A MEMBER OF THE UNITED STATES ARMED FORCES IN CONNECTION  
6 WITH THAT MEMBERSHIP.

7 (B) A MEMBER OF THE NATIONAL GUARD, ARMED FORCES RESERVES,  
8 OR OTHER MILITARY ORGANIZATION AUTHORIZED BY STATUTE OR CONGRES-  
9 SIONAL CHARTER IN CONNECTION WITH THAT MEMBERSHIP.

10 (C) A STUDENT OR INSTRUCTOR AT AN EDUCATIONAL INSTITUTION  
11 PARTICIPATING IN A COURSE OF INSTRUCTION IN MILITARY SCIENCE IN  
12 CONNECTION WITH THAT PARTICIPATION.

13 (D) A RESIDENT OF A VETERAN'S OR SOLDIER'S HOME OR OTHER  
14 HOME FOR FORMER MEMBERS OF THE ARMED FORCES OR OTHER AUTHORIZED  
15 MILITARY ORGANIZATION PARTICIPATING IN A FUNCTION OF THAT HOME.

16 (E) A VETERAN OF THE ARMED FORCES OR OTHER AUTHORIZED MILI-  
17 TARY ORGANIZATION OF THIS STATE, ANOTHER STATE, OR THE UNITED  
18 STATES PARTICIPATING IN A FUNCTION OF A RECOGNIZED VETERAN'S  
19 ORGANIZATION.

20 (F) A PROFESSIONAL OR AMATEUR MEMBER OF THE ACTING PROFES-  
21 SION IN CONNECTION WITH THAT PROFESSION.

22 (G) A DRILL TEAM OF A SCHOOL, COLLEGE, UNIVERSITY, HISTORI-  
23 CAL SOCIETY OR ORGANIZATION, OR CIVIC SOCIETY.

24 (H) CARRYING A PISTOL IN ACCORDANCE WITH A LICENSE ISSUED  
25 UNDER SECTION 6 OF ACT NO. 372 OF THE PUBLIC ACTS OF 1927, BEING  
26 SECTION 28.426 OF THE MICHIGAN COMPILED LAWS.

1 (I) LAWFULLY CARRYING A FIREARM DURING AN OPEN SEASON  
2 ESTABLISHED BY THE DEPARTMENT OF NATURAL RESOURCES FOR THE TAKING  
3 OF GAME.

4 SEC. 402B. (1) AN INDIVIDUAL SHALL NOT BE AN ACTIVE MEMBER  
5 OF A PARAMILITARY ORGANIZATION.

6 (2) A PERSON SHALL NOT PROVIDE INSTRUCTION OR TRAINING IN  
7 WARFARE, SABOTAGE, TERRORISM, COUNTERINTELLIGENCE, OR SIMILAR  
8 AREAS TO AN INDIVIDUAL INTENDING THE INDIVIDUAL TO UNLAWFULLY  
9 CAUSE PHYSICAL INJURY TO ANY PERSON OR UNLAWFULLY DAMAGE ANY  
10 PERSON'S PROPERTY OR KNOWING OR HAVING REASON TO KNOW THAT THE  
11 INDIVIDUAL INTENDS TO UNLAWFULLY CAUSE PHYSICAL INJURY TO ANY  
12 PERSON OR UNLAWFULLY DAMAGE ANY PERSON'S PROPERTY.

13 (3) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF  
14 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR  
15 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

16 (4) AS USED IN THIS SECTION:

17 (A) "ACTIVE MEMBER OF A PARAMILITARY ORGANIZATION" MEANS AN  
18 INDIVIDUAL WHO IS A MEMBER OF A PARAMILITARY ORGANIZATION AND WHO  
19 COMMITS 1 OR MORE ACTS INTENDING TO FURTHER THE UNLAWFUL ACTIVI-  
20 TIES OF THAT ORGANIZATION.

21 (B) "PARAMILITARY ORGANIZATION" MEANS AN ASSOCIATION OF 3 OR  
22 MORE PERSONS THAT IS ORGANIZED IN WHOLE OR IN PART TO DO 1 OR  
23 MORE OF THE FOLLOWING UNLAWFUL ACTIVITIES:

24 (i) ENGAGE IN OR CONSPIRE TO ENGAGE IN INSTRUCTION OR TRAIN-  
25 ING IN WARFARE, SABOTAGE, TERRORISM, COUNTERINTELLIGENCE, OR SIM-  
26 ILAR AREAS TO UNLAWFULLY CAUSE PHYSICAL INJURY TO ANY PERSON OR  
27 UNLAWFULLY DAMAGE ANY PERSON'S PROPERTY.

1           (ii) VIOLATE A PENAL LAW OF THE UNITED STATES, THIS STATE OR  
2 ANOTHER STATE, OR A POLITICAL SUBDIVISION OF THIS STATE OR  
3 ANOTHER STATE TO FURTHER OR TO FUND THE GOALS OR PURPOSES OF THE  
4 ORGANIZATION, INCLUDING BUT NOT LIMITED TO ANY LEGITIMATE OR  
5 LAWFUL GOALS OR PURPOSES.

6           Section 2. Section 402 of Act No. 328 of the Public Acts of  
7 1931, being section 750.402 of the Michigan Compiled Laws, is  
8 repealed.