

HOUSE BILL No. 5918

June 9, 1998, Introduced by Reps. Whyman, Perricone, Llewellyn, Bodem, Kukuk, Goschka, Sanborn, Voorhees and Raczkowski and referred to the Committee on House Oversight and Ethics.

A bill to amend 1927 PA 372, entitled

"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,"

by amending section 12a (MCL 28.432a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12a. (1) ~~Section 6 does not apply to:~~
2 ~~(a) A peace officer of a duly authorized police agency of~~
3 ~~the United States or of this state or a political subdivision of~~
4 ~~this state, who is regularly employed and paid by the United~~
5 ~~States or this state or a subdivision of this state, except that~~
6 ~~section 6 does apply to a township constable.~~

1 ~~(b) A constable who is trained and certified pursuant to Act~~
2 ~~No. 203 of the Public Acts of 1965, as amended, being sections~~
3 ~~28.601 to 28.616 of the Michigan Compiled Laws, who is engaged in~~
4 ~~his or her official duties or going to or coming from his or her~~
5 ~~official duties, and who is regularly employed and paid by a~~
6 ~~political subdivision of this state.~~

7 ~~(c) A person regularly employed by the department of correc-~~
8 ~~tions and authorized in writing by the director of the department~~
9 ~~of corrections to carry a concealed weapon concealed during the~~
10 ~~performance of his or her duties or while going to or returning~~
11 ~~from his or her duties.~~ AS USED IN THIS SECTION:

12 (A) "LAW ENFORCEMENT OR CORRECTIONS OFFICER" MEANS 1 OR MORE
13 OF THE FOLLOWING:

14 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-
15 SION OF THIS STATE, ANOTHER STATE OR A POLITICAL SUBDIVISION OF
16 ANOTHER STATE, OR THE UNITED STATES.

17 (ii) A SHERIFF OR DEPUTY SHERIFF.

18 (iii) A POLICE OFFICER OF A COMMUNITY COLLEGE, COLLEGE, OR
19 UNIVERSITY.

20 (iv) A CONSERVATION OFFICER OF THIS STATE OR AN INDIVIDUAL
21 AUTHORIZED TO ENFORCE THE FISH OR GAME LAWS OF ANOTHER STATE OR
22 THE UNITED STATES AND TO CARRY A FIREARM IN THE COURSE OF HIS OR
23 HER DUTIES.

24 (v) AN INDIVIDUAL EMPLOYED AS A PROBATION OFFICER BY THE
25 DEPARTMENT OF CORRECTIONS OR THE DISTRICT COURT OR EMPLOYED BY A
26 COURT OF ANOTHER STATE, A POLITICAL SUBDIVISION OF ANOTHER STATE,
27 OR THE UNITED STATES AS A PROBATION OFFICER.

1 (vi) THE ATTORNEY GENERAL OF THIS STATE OR HIS OR HER
2 DEPUTY, THE ATTORNEY GENERAL OF ANOTHER STATE OR HIS OR HER
3 DEPUTY, OR THE ATTORNEY GENERAL OF THE UNITED STATES OR HIS OR
4 HER DEPUTY.

5 (vii) A COUNTY PROSECUTING ATTORNEY OR AN ASSISTANT COUNTY
6 PROSECUTING ATTORNEY.

7 (viii) AN INDIVIDUAL EMPLOYED AS AN INVESTIGATOR FOR AN
8 ENTITY DESCRIBED IN SUBDIVISION (iv) TO (vii).

9 (ix) A CORRECTIONS OFFICER OF THE DEPARTMENT OF CORRECTIONS
10 OR AN INDIVIDUAL RESPONSIBLE FOR MAINTAINING THE CUSTODY OF PRIS-
11 ONERS IN THE JAIL OF A LOCAL UNIT OF GOVERNMENT.

12 (B) "QUALIFIED FORMER LAW ENFORCEMENT OR CORRECTIONS
13 OFFICER" MEANS AN INDIVIDUAL TO WHICH ALL OF THE FOLLOWING
14 APPLY:

15 (i) THE INDIVIDUAL IS RETIRED FROM SERVICE AS A LAW ENFORCE-
16 MENT OR CORRECTIONS OFFICER FOR REASONS OTHER THAN A MENTAL DIS-
17 ABILITY THAT WOULD DISQUALIFY HIM OR HER FROM RECEIVING A LICENSE
18 UNDER SECTION 6.

19 (ii) THE INDIVIDUAL HAS NONFORFEITABLE RIGHTS TO BENEFITS
20 UNDER THE RETIREMENT PLAN OF THE AGENCY FROM WHICH HE OR SHE
21 RETIRED.

22 (iii) THE INDIVIDUAL IS NOT OTHERWISE PROHIBITED BY FEDERAL
23 LAW OR THE LAW OF THIS STATE FROM RECEIVING A FIREARM.

24 (2) SECTION 6 DOES NOT APPLY TO ANY OF THE FOLLOWING:

25 (A) A LAW ENFORCEMENT OR CORRECTIONS OFFICER.

26 (B) A QUALIFIED FORMER LAW ENFORCEMENT OR CORRECTIONS
27 OFFICER WHILE HE OR SHE IS CARRYING IDENTIFICATION ISSUED BY THE

1 LAW ENFORCEMENT AGENCY FROM WHICH HE OR SHE RETIRED THAT
2 IDENTIFIES HIM OR HER AS A RETIRED LAW ENFORCEMENT OR CORRECTIONS
3 OFFICER OF THAT LAW ENFORCEMENT AGENCY.

4 (C) ~~(d)~~ A member of the army, air force, navy, or marine
5 corps of the United States while carrying a weapon in line of
6 duty.

7 (D) ~~(e)~~ A member of the national guard, armed forces
8 reserves, or other duly authorized military organization while on
9 duty or drill or while going to or returning from his or her
10 place of assembly or practice or while carrying a weapon used for
11 purposes of a military organization.

12 (E) ~~(f)~~ A person licensed to carry a pistol concealed upon
13 his or her person issued by another state.

14 (F) ~~(g)~~ The regular and ordinary transportation of a
15 pistol as merchandise by an authorized agent of a person licensed
16 to manufacture firearms.

17 (G) ~~(h)~~ A person while carrying a pistol unloaded in a
18 wrapper or container in the trunk of his or her 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 1 place of abode or business to another
22 place of abode or business.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. _____
25 (request no. 03499'97 a) of the 89th Legislature is enacted into
26 law.