

HOUSE BILL No. 4542

April 21, 1999, Introduced by Reps. Julian, DeRossett, Bradstreet, Sanborn, Koetje, Vear, Kukuk, Hart, Howell, Kuipers, Voorhees, Woronchak, Rick Johnson, Patterson, Gosselin, Birkholz, LaSata, Richardville, Rocca, Middaugh, Julian, Mans, Pumford, Schauer, Pappageorge, Bishop, Jelinek, Cameron Brown, Kowall, Vander Roest, Allen, Pestka, Green, Bovin, Neumann, Schermesser, Stamas, Garcia, Sheltroun, Basham, Faunce, Jellema, Frank, DeHart, Shulman, Mortimer, Scranton, Cassis, Raczkowski and Tabor and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 227b (MCL 750.227b), as amended by 1990 PA
321.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227b. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
2 person who carries or has in his or her possession a firearm when
3 he or she commits or attempts to commit a felony, ~~except~~ OTHER
4 THAN a violation of section 223, ~~section~~ 227, 227a, ~~or~~ 230,
5 230A, 233, 234, 234D, 235, 237, OR 357B, OR WHEN HE OR SHE COM-
6 MITS OR ATTEMPTS TO COMMIT A VIOLATION OF SECTION 81(1), (2), OR
7 (3), 81A(1) OR (2), OR 411H(2) is guilty of a felony, and shall
8 be imprisoned for ~~2~~ 5 years. Upon a second conviction under
9 this ~~section~~ SUBSECTION, the person shall be imprisoned for ~~5~~

1 10 years. Upon a third or subsequent conviction under this
2 subsection, the person shall be imprisoned for ~~10~~ 15 years.

3 (2) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
4 PISTOL AND WHO IS CARRYING A PISTOL CONCEALED OR OTHERWISE WHEN
5 HE OR SHE COMMITS OR ATTEMPTS TO COMMIT A FELONY OTHER THAN A
6 VIOLATION OF SECTION 223, 227, 227A, 230, 230A, 233, 234, 234D,
7 235, 237, 317(2) OR (3), 321(2) OR (3), OR 357B, OR WHEN HE OR
8 SHE COMMITS OR ATTEMPTS TO COMMIT A VIOLATION OF SECTION 81(1),
9 (2), OR (3), 81A(1) OR (2), OR 411H(2) IS GUILTY OF A FELONY AND
10 SHALL BE IMPRISONED FOR 10 YEARS. UPON A SECOND CONVICTION UNDER
11 THIS SECTION, THE INDIVIDUAL SHALL BE IMPRISONED FOR 15 YEARS.
12 UPON A THIRD OR SUBSEQUENT CONVICTION UNDER THIS SECTION, THE
13 INDIVIDUAL SHALL BE IMPRISONED FOR 20 YEARS.

14 (3) ~~(2)~~ A term of imprisonment prescribed by this section
15 is in addition to the sentence imposed for the conviction of the
16 felony or the attempt to commit the felony, and shall be served
17 consecutively with and preceding any term of imprisonment imposed
18 for the conviction of the felony or attempt to commit the
19 felony.

20 (4) ~~(3)~~ A term of imprisonment imposed under this section
21 shall not be suspended. The person subject to the sentence man-
22 dated by this section is not eligible for parole or probation
23 during the mandatory term imposed ~~pursuant to~~ UNDER subsection
24 (1) OR (2).

25 (5) ~~(4)~~ This section does not apply to a law enforcement
26 officer who is authorized to carry a firearm while in the
27 official performance of his or her duties, and who is in the

1 performance of those duties. As used in this subsection, "law
2 enforcement officer" means a person who is regularly employed as
3 a member of a duly authorized police agency or other organization
4 of the United States, this state, or a city, county, township, or
5 village of this state, and who is responsible for the prevention
6 and detection of crime and the enforcement of the general crimi-
7 nal laws of this state.

8 Enacting section 1. This amendatory act takes effect
9 September 30, 1999.

10 Enacting section 2. This amendatory act does not take
11 effect unless Senate Bill No. _____ or House Bill No. _____
12 (request no. 00486'99 ***) of the 90th Legislature is enacted
13 into law.