

HOUSE BILL No. 4549

March 29, 2001, Introduced by Reps. Patterson, Richardville, Cassis, Howell, Vander Veen, Rocca, Hager, Sanborn, Neumann, Raczkowski, Gielegem, Tabor, Middaugh, Mortimer, Shackleton, Birkholz, Spade, Pappageorge, Koetje and Van Woerkom and referred to the Committee on Criminal Justice.

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 person who carries or has in his or her
2 possession a firearm when he or she commits or attempts to commit
3 a felony, except a violation of section 223, ~~section~~ 227, 227a,
4 or 230, is guilty of a felony, and shall be imprisoned for ~~2~~ 5
5 years. Upon a second conviction under this section, the person
6 shall be imprisoned for ~~5~~ 10 years. Upon a third or subsequent
7 conviction under this subsection, the person shall be imprisoned
8 for ~~10~~ 15 years.

9 (2) A term of imprisonment prescribed by this section is in
10 addition to the sentence imposed for the conviction of the felony

1 or the attempt to commit the felony, and shall be served
2 consecutively with and preceding any term of imprisonment imposed
3 for the conviction of the felony or attempt to commit the
4 felony.

5 (3) A term of imprisonment imposed under this section shall
6 not be suspended. The person subject to the sentence mandated by
7 this section is not eligible for parole or probation during the
8 mandatory term imposed pursuant to subsection (1).

9 (4) This section does not apply to a law enforcement officer
10 who is authorized to carry a firearm while in the official per-
11 formance of his or her duties, and who is in the performance of
12 those duties. As used in this subsection, "law enforcement
13 officer" means a person who is regularly employed as a member of
14 a duly authorized police agency or other organization of the
15 United States, this state, or a city, county, township, or vil-
16 lage of this state, and who is responsible for the prevention and
17 detection of crime and the enforcement of the general criminal
18 laws of this state.