

HOUSE BILL No. 4961

June 16, 2005, Introduced by Reps. Kehrl, Plakas, Lemmons, Jr. and Lemmons, III and referred to the Committee on Judiciary.

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 a
3 felony, except a violation of section 223, ~~section~~ 227, 227a, or
4 230, is guilty of a felony ~~—~~ and shall be imprisoned for ~~2~~ 10
5 years. ~~Upon a second conviction under this section, the person~~
6 ~~shall be imprisoned for 5 years. Upon a third or subsequent~~
7 ~~conviction under this subsection, the person shall be imprisoned~~
8 ~~for 10 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
11 or the attempt to commit the felony ~~—~~ and shall be served

1 consecutively with and preceding any term of imprisonment imposed
2 for the conviction of the felony or attempt to commit the felony.

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

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

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted.