

SENATE BILL No. 392

March 18, 2009, Introduced by Senators BASHAM, KAHN, JELINEK and PRUSI and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 82 (MCL 750.82), as amended by 1994 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82. (1) Except as provided in ~~subsection~~**SUBSECTIONS** (2)
2 **AND (3)**, a person who assaults another person with a gun, revolver,
3 pistol, knife, iron bar, club, brass knuckles, or other dangerous
4 weapon without intending to commit murder or to inflict great
5 bodily harm less than murder is guilty of a felony punishable by
6 imprisonment for not more than 4 years or a fine of not more than
7 \$2,000.00, or both.

8 (2) A person who violates subsection (1) in a weapon free
9 school zone is guilty of a felony punishable by 1 or more of the
10 following:

11 (a) Imprisonment for not more than 4 years.

1 (b) Community service for not more than 150 hours.

2 (c) A fine of not more than \$6,000.00.

3 (3) IF THE VICTIM OF THE VIOLATION IS AN INDIVIDUAL WHO IS 80
4 YEARS OLD OR OLDER, A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY
5 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 2 YEARS OR
6 MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

7 (4) ~~(3)~~—As used in this section:

8 (a) "School" means a public, private, denominational, or
9 parochial school offering developmental kindergarten, kindergarten,
10 or any grade from 1 through 12.

11 (b) "School property" means a building, playing field, or
12 property used for school purposes to impart instruction to children
13 or used for functions and events sponsored by a school, except a
14 building used primarily for adult education or college extension
15 courses.

16 (c) "Weapon free school zone" means school property and a
17 vehicle used by a school to transport students to or from school
18 property.