

SENATE BILL No. 869

March 24, 2016, Introduced by Senators JONES and SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 528a (MCL 750.528a), as amended by 2015 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 528a. (1) As used in this section:

2 (a) "Civil disorder" means any public disturbance involving
3 the use of any firearm, explosive, or incendiary device by 3 or
4 more assembled persons that causes an immediate danger to, or that
5 results in damage or injury to, any property or person.

6 (b) "Explosive or incendiary device" means:

7 (i) Dynamite, gunpowder, or other similarly explosive
8 substance.

9 (ii) Any bomb, grenade, missile, or similar device designed to

1 expand suddenly and release internal energy resulting in an
2 explosion.

3 (iii) Any incendiary bomb or grenade, fire bomb, or similar
4 device designed to ignite, including any device that consists of or
5 includes a breakable container containing a flammable liquid or
6 compound and a wick composed of any material that, if ignited, is
7 capable of igniting the flammable liquid or compound; and that may
8 be carried or thrown by a person.

9 (c) "Firearm" means any weapon ~~which~~**THAT** will, is designed
10 to, or may readily be converted to expel a projectile by action of
11 an explosive.

12 (d) "Law enforcement officer" means any of the following:

13 (i) ~~Every~~**A** sheriff or sheriff's deputy, ~~+~~**A** village marshal
14 or township constable, ~~+~~**AN** officer of the police department of any
15 city, village, or township, ~~+~~**any****AN** officer of the Michigan state
16 police, ~~+~~**or any****A** peace officer who is trained and **LICENSED OR**
17 certified under the **MICHIGAN** commission on law enforcement
18 standards act, 1965 PA 203, MCL 28.601 to ~~28.616~~**28.615**.

19 (ii) Any officer or employee of the United States, its
20 possessions, or territories who is authorized to enforce the laws
21 of the United States, its possessions, or its territories.

22 (iii) Any member of the ~~national guard~~**NATIONAL GUARD**, coast
23 guard, military reserve, or the armed forces of the United States
24 when acting in his or her official capacity.

25 (2) A person shall not teach or demonstrate to another person
26 the use, application, or construction of any firearm, or any
27 explosive or incendiary device, if that person knows, has reason to

1 know, or intends that what is taught or demonstrated will be used
2 in, or in furtherance of, a civil disorder.

3 (3) A person shall not assemble with 1 or more persons for the
4 purpose of training with, practicing with, or being instructed in
5 the use of any firearm, or any explosive or incendiary device, if
6 that person intends to use that firearm or device in, or in
7 furtherance of, a civil disorder.

8 (4) This section does not apply to any act of a law
9 enforcement officer that is performed in the lawful performance of
10 his or her official duties as a law enforcement officer, or any
11 activity of any hunting club, rifle club, rifle range, pistol
12 range, shooting range, or other program or individual instruction
13 intended to teach the safe handling or use of firearms, archery
14 equipment, or other weapons or techniques employed in connection
15 with lawful sports, self-defense, or other lawful activities.

16 (5) A person who violates this section is guilty of a felony.

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

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. 92 or House Bill No.____ (request no.
21 00913'15 *) of the 98th Legislature is enacted into law.