

SENATE BILL No. 53

January 28, 2015, Introduced by Senators JONES, BRANDENBURG, ROBERTSON, MARLEAU, HORN, KNOLLENBERG, SCHMIDT, ZORN, BOOHER, HANSEN, PAVLOV, NOFS and PROOS and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 1 and 5o (MCL 28.421 and 28.425o), section 1 as amended by 2014 PA 203 and section 5o as amended by 2014 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL

1 761.1, or a violation of a law of the United States or another
2 state that is designated as a felony or that is punishable by death
3 or by imprisonment for more than 1 year.

4 (b) "Firearm" means a weapon from which a dangerous projectile
5 may be propelled by an explosive, or by gas or air. Firearm does
6 not include a smooth bore rifle or handgun designed and
7 manufactured exclusively for propelling by a spring, or by gas or
8 air, BBs not exceeding .177 caliber.

9 (c) "Firearms records" means any form, information, or record
10 required for submission to a government agency under sections 2,
11 2a, 2b, and 5b, or any form, permit, or license issued by a
12 government agency under this act.

13 (d) "Misdemeanor" means a violation of a penal law of this
14 state or violation of a local ordinance substantially corresponding
15 to a violation of a penal law of this state that is not a felony or
16 a violation of an order, rule, or regulation of a state agency that
17 is punishable by imprisonment or a fine that is not a civil fine,
18 or both.

19 (e) "Peace officer" means, except as otherwise provided in
20 this act, an individual who is employed as a law enforcement
21 officer, as that term is defined under section 2 of the commission
22 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
23 state or another state, a political subdivision of this state or
24 another state, or the United States, and who is required to carry a
25 firearm in the course of his or her duties as a law enforcement
26 officer.

27 (f) "Pistol" means a loaded or unloaded firearm that is 26

1 inches or less in length, or a loaded or unloaded firearm that by
2 its construction and appearance conceals it as a firearm.

3 (g) "Purchaser" means a person who receives a pistol from
4 another person by purchase or gift.

5 (h) "Reserve peace officer", "auxiliary officer", or "reserve
6 officer" means, except as otherwise provided in this act, an
7 individual authorized on a voluntary or irregular basis by a duly
8 authorized police agency of this state or a political subdivision
9 of this state to act as a law enforcement officer, who is
10 responsible for the preservation of the peace, the prevention and
11 detection of crime, and the enforcement of the general criminal
12 laws of this state, and who is otherwise eligible to possess a
13 firearm under this act.

14 (I) "RETIRED FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN
15 INDIVIDUAL WHO WAS AN OFFICER OR AGENT EMPLOYED BY A LAW
16 ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY
17 RESPONSIBILITY WAS ENFORCING LAWS OF THE UNITED STATES, WHO WAS
18 REQUIRED TO CARRY A FIREARM IN THE COURSE OF HIS OR HER DUTIES AS A
19 LAW ENFORCEMENT OFFICER, AND WHO RETIRED IN GOOD STANDING FROM HIS
20 OR HER EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT OFFICER.

21 (J) ~~(i)~~—"Retired police officer" or "retired law enforcement
22 officer" means an individual who was a police officer or law
23 enforcement officer who was certified as described under section 9a
24 of the commission on law enforcement standards act, 1965 PA 203,
25 MCL 28.609a, and retired in good standing from his or her
26 employment as a police officer or law enforcement officer.

27 (K) ~~(j)~~—"Seller" means a person who sells or gives a pistol to

1 another person.

2 (I) ~~(k)~~—"State court judge" means a judge of the district
3 court, circuit court, probate court, or court of appeals or justice
4 of the supreme court of this state who is serving either by
5 election or appointment.

6 (M) ~~(I)~~—"State court retired judge" means a judge or justice
7 described in subdivision ~~(k)~~ (I) who is retired, or a retired judge
8 of the recorders court.

9 (2) A person may lawfully own, possess, carry, or transport as
10 a pistol a firearm greater than 26 inches in length if all of the
11 following conditions apply:

12 (a) The person registered the firearm as a pistol under
13 section 2 or 2a before January 1, 2013.

14 (b) The person who registered the firearm as described in
15 subdivision (a) has maintained registration of the firearm since
16 January 1, 2013 without lapse.

17 (c) The person possesses a copy of the license or record
18 issued to him or her under section 2 or 2a.

19 (3) A person who satisfies all of the conditions listed under
20 subsection (2) nevertheless may elect to have the firearm not be
21 considered to be a pistol. A person who makes the election under
22 this subsection shall notify the department of state police of the
23 election in a manner prescribed by that department.

24 Sec. 5o. (1) Subject to subsection (5), an individual licensed
25 under this act to carry a concealed pistol, or who is exempt from
26 licensure under section 12a(1)(h), shall not carry a concealed
27 pistol on the premises of any of the following:

1 (a) A school or school property except that a parent or legal
2 guardian of a student of the school is not precluded from carrying
3 a concealed pistol while in a vehicle on school property, if he or
4 she is dropping the student off at the school or picking up the
5 student from the school. As used in this section, "school" and
6 "school property" mean those terms as defined in section 237a of
7 the Michigan penal code, 1931 PA 328, MCL 750.237a.

8 (b) A public or private child care center or day care center,
9 public or private child caring institution, or public or private
10 child placing agency.

11 (c) A sports arena or stadium.

12 (d) A bar or tavern licensed under the Michigan liquor control
13 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
14 primary source of income of the business is the sale of alcoholic
15 liquor by the glass and consumed on the premises. This subdivision
16 does not apply to an owner or employee of the business. The
17 Michigan liquor control commission shall develop and make available
18 to holders of licenses under the Michigan liquor control code of
19 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
20 stating that "This establishment prohibits patrons from carrying
21 concealed weapons". The owner or operator of an establishment
22 licensed under the Michigan liquor control code of 1998, 1998 PA
23 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
24 sign developed under this subdivision.

25 (e) Any property or facility owned or operated by a church,
26 synagogue, mosque, temple, or other place of worship, unless the
27 presiding official or officials of the church, synagogue, mosque,

1 temple, or other place of worship permit the carrying of concealed
2 pistol on that property or facility.

3 (f) An entertainment facility with a seating capacity of 2,500
4 or more individuals that the individual knows or should know has a
5 seating capacity of 2,500 or more individuals or that has a sign
6 above each public entrance stating in letters not less than 1-inch
7 high a seating capacity of 2,500 or more individuals.

8 (g) A hospital.

9 (h) A dormitory or classroom of a community college, college,
10 or university.

11 (2) Subject to subsection (5), an individual shall not carry a
12 portable device that uses electro-muscular disruption technology on
13 any of the premises described in subsection (1).

14 (3) An individual licensed under this act to carry a concealed
15 pistol, or who is exempt from licensure under section 12a(1)(h),
16 shall not carry a concealed pistol in violation of R 432.1212 or a
17 successor rule of the Michigan administrative code promulgated
18 under the Michigan gaming control and revenue act, 1996 IL 1, MCL
19 432.201 to 432.226.

20 (4) As used in subsection (1), "premises" does not include
21 parking areas of the places identified under subsection (1).

22 (5) Subsections (1) and (2) do not apply to any of the
23 following:

24 (a) An individual licensed under this act who is a retired
25 police officer, ~~ex~~-retired law enforcement officer, **OR RETIRED**
26 **FEDERAL LAW ENFORCEMENT OFFICER**. The concealed weapon licensing
27 board may require a letter **OR OTHER DOCUMENTATION** from the law

1 enforcement agency stating that the retired police officer, ~~ex-law~~
2 enforcement officer, **OR FEDERAL LAW ENFORCEMENT OFFICER** retired in
3 good standing.

4 (b) An individual who is licensed under this act and who is
5 employed or contracted by an entity described under subsection (1)
6 to provide security services and is required by his or her employer
7 or the terms of a contract to carry a concealed firearm on the
8 premises of the employing or contracting entity.

9 (c) An individual who is licensed as a private investigator or
10 private detective under the professional investigator licensure
11 act, 1965 PA 285, MCL 338.821 to 338.851.

12 (d) An individual who is licensed under this act and who is a
13 corrections officer of a county sheriff's department.

14 (e) An individual who is licensed under this act and who is a
15 motor carrier officer or capitol security officer of the department
16 of state police.

17 (f) An individual who is licensed under this act and who is a
18 member of a sheriff's posse.

19 (g) An individual who is licensed under this act and who is an
20 auxiliary officer or reserve officer of a police or sheriff's
21 department.

22 (h) An individual who is licensed under this act and who is a
23 parole or probation officer of the department of corrections.

24 (i) A state court judge or state court retired judge who is
25 licensed under this act. The concealed weapon licensing board may
26 require a state court retired judge to obtain and carry a letter
27 from the judicial tenure commission stating that the state court

1 retired judge is in good standing as authorized under section 30 of
2 article VI of the state constitution of 1963, and rules promulgated
3 under that section, in order to qualify under this subdivision.

4 (j) An individual who is licensed under this act and who is a
5 court officer.

6 (6) An individual who violates this section is responsible for
7 a state civil infraction or guilty of a crime as follows:

8 (a) Except as provided in subdivisions (b) and (c), the
9 individual is responsible for a state civil infraction and may be
10 fined not more than \$500.00. The court shall order the individual's
11 license to carry a concealed pistol suspended for 6 months.

12 (b) For a second violation, the individual is guilty of a
13 misdemeanor punishable by a fine of not more than \$1,000.00. The
14 court shall order the individual's license to carry a concealed
15 pistol revoked.

16 (c) For a third or subsequent violation, the individual is
17 guilty of a felony punishable by imprisonment for not more than 4
18 years or a fine of not more than \$5,000.00, or both. The court
19 shall order the individual's license to carry a concealed pistol
20 revoked.