

# HOUSE BILL NO. 4277

February 28, 2019, Introduced by Reps. LaFave, Marino, Miller, Mueller, Wozniak, Inman, Eisen, Paquette, Afendoulis, Wendzel, Rendon, Reilly, Yaroeh, Markkanen and O'Malley and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 237a (MCL 750.237a), as amended by 2017 PA 96.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 237a. (1) An individual who engages in conduct proscribed  
2       under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,  
3       234a, 234b, or 234c, or who engages in conduct proscribed under  
4       section 223(2) for a second or subsequent time, in a weapon free



KHS



01755'19

1 school zone is guilty of a felony punishable by 1 or more of the  
2 following:

3 (a) Imprisonment for not more than the maximum term of  
4 imprisonment authorized for the section violated.

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

6 (c) A fine of not more than 3 times the maximum fine  
7 authorized for the section violated.

8 (2) An individual who engages in conduct proscribed under  
9 section 223(1), 224d, 227c, 227d, 231c, 232a(1) or (4), 233, 234,  
10 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed  
11 under section 223(2) for the first time, in a weapon free school  
12 zone is guilty of a misdemeanor punishable by 1 or more of the  
13 following:

14 (a) Imprisonment for not more than the maximum term of  
15 imprisonment authorized for the section violated or 93 days,  
16 whichever is greater.

17 (b) Community service for not more than 100 hours.

18 (c) A fine of not more than \$2,000.00 or the maximum fine  
19 authorized for the section violated, whichever is greater.

20 (3) Subsections (1) and (2) do not apply to conduct proscribed  
21 under a section enumerated in those subsections to the extent that  
22 the proscribed conduct is otherwise exempted or authorized under  
23 this chapter.

24 (4) Except as provided in subsection (5), an individual who  
25 possesses a weapon in a weapon free school zone is guilty of a  
26 misdemeanor punishable by 1 or more of the following:

27 (a) Imprisonment for not more than 93 days.

28 (b) Community service for not more than 100 hours.

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



1 (5) Subsection (4) does not apply to any of the following:

2 (a) An individual employed by or contracted by a school if the  
3 possession of that weapon is to provide security services for the  
4 school.

5 (b) A peace officer.

6 (c) An individual licensed by this state or another state to  
7 carry a concealed weapon.

8 (d) An individual who possesses a weapon provided by a school  
9 or a school's instructor on school property for purposes of  
10 providing or receiving instruction in the use of that weapon.

11 (e) An individual who possesses a firearm on school property  
12 if that possession is with the permission of the school's principal  
13 or an agent of the school designated by the school's principal or  
14 the school board.

15 (f) An individual who is 18 years of age or older who is not a  
16 student at the school and who possesses a firearm on school  
17 property while transporting a student to or from the school if any  
18 of the following apply:

19 (i) The individual is carrying an antique firearm, completely  
20 unloaded, in a wrapper or container in the trunk of a vehicle while  
21 en route to or from a hunting or target shooting area or function  
22 involving the exhibition, demonstration or sale of antique  
23 firearms.

24 (ii) The individual is carrying a firearm unloaded in a wrapper  
25 or container in the trunk of the person's vehicle, while in  
26 possession of a valid Michigan hunting license or proof of valid  
27 membership in an organization having shooting range facilities, and  
28 while en route to or from a hunting or target shooting area.

29 (iii) The individual is carrying a firearm unloaded in a wrapper



1 or container in the trunk of the individual's vehicle from the  
2 place of purchase to his or her home or place of business or to a  
3 place of repair or back to his or her home or place of business, or  
4 in moving goods from one place of abode or business to another  
5 place of abode or business.

6 (iv) The individual is carrying an unloaded firearm in the  
7 passenger compartment of a vehicle that does not have a trunk, if  
8 the individual is otherwise complying with the requirements of  
9 subparagraph (ii) or (iii) and the wrapper or container is not readily  
10 accessible to the occupants of the vehicle.

11 **(g) A teacher or other school employee carrying a self-defense**  
12 **spray or foam device in the school where that teacher or other**  
13 **school employee is employed.**

14 (6) As used in this section:

15 (a) "Antique firearm" means either of the following:

16 (i) A firearm not designed or redesigned for using rimfire or  
17 conventional center fire ignition with fixed ammunition and  
18 manufactured in or before 1898, including a matchlock, flintlock,  
19 percussion cap, or similar type of ignition system or a replica of  
20 such a firearm, whether actually manufactured before or after the  
21 year 1898.

22 (ii) A firearm using fixed ammunition manufactured in or before  
23 1898, for which ammunition is no longer manufactured in the United  
24 States and is not readily available in the ordinary channels of  
25 commercial trade.

26 (b) "School" means a public, private, denominational, or  
27 parochial school offering developmental kindergarten, kindergarten,  
28 or any grade from 1 through 12.

29 (c) "School property" means a building, playing field, or



1 property used for school purposes to impart instruction to children  
2 or used for functions and events sponsored by a school, except a  
3 building used primarily for adult education or college extension  
4 courses.

5 (d) **"Self-defense spray or foam device" means that term as**  
6 **defined in section 224d.**

7 (e) ~~(d)~~—"Weapon" includes, but is not limited to, a pneumatic  
8 gun.

9 (f) ~~(e)~~—"Weapon free school zone" means school property and a  
10 vehicle used by a school to transport students to or from school  
11 property.

