



# HOUSE BILL No. 4102

January 17, 1995, Introduced by Rep. Porreca and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 227b of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended by Act No. 321 of the Public Acts of 1990, being section 750.227b of the Michigan Compiled Laws.

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

1 Section 1. Section 227b of Act No. 328 of the Public Acts  
2 of 1931, as amended by Act No. 321 of the Public Acts of 1990,  
3 being section 750.227b of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 227b. (1) A person who carries or has in his or her  
6 possession a firearm when he or she commits or attempts to commit  
7 a felony, except a violation of section 223, ~~section~~ 227, 227a,  
8 or 230, is guilty of a felony ~~—~~ and shall be imprisoned for ~~—2—~~  
9 4 years. Upon a second conviction under this section, the person

1 shall be imprisoned for ~~5~~ 8 years. Upon a third or subsequent  
2 conviction under this subsection, the person shall be imprisoned  
3 for ~~10~~ 12 years.

4 (2) A term of imprisonment prescribed by this section is in  
5 addition to the sentence imposed for the conviction of the felony  
6 or the attempt to commit the felony, and shall be served consecu-  
7 tively with and preceding any term of imprisonment imposed for  
8 the conviction of the felony or attempt to commit the felony.

9 (3) A term of imprisonment imposed under this section shall  
10 not be suspended. The person subject to the sentence mandated by  
11 this section is not eligible for parole or probation during the  
12 mandatory term imposed pursuant to subsection (1).

13 (4) This section does not apply to a law enforcement officer  
14 who is authorized to carry a firearm while in the official per-  
15 formance of his or her duties ~~and~~ and who is ~~in the performance~~  
16 ~~of~~ PERFORMING those duties. As used in this subsection, "law  
17 enforcement officer" means a person who is regularly employed as  
18 a member of a duly authorized police agency or other organization  
19 of the United States, this state, or a city, county, township, or  
20 village of this state ~~and~~ and who is responsible for the preven-  
21 tion and detection of crime and the enforcement of the general  
22 criminal laws of this state.