

HOUSE BILL No. 5509

March 22, 2012, Introduced by Rep. Foster 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 and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 section 12a (MCL 28.432a), as amended by 2006 PA 559.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12a. (1) The requirements of this act for obtaining a
2 license to carry a concealed pistol do not apply to any of the
3 following:

1 (a) A peace officer of a duly authorized police agency of the
2 United States or of this state or a political subdivision of this
3 state, who is regularly employed and paid by the United States or
4 this state or a subdivision of this state, except a township
5 constable.

6 (b) A constable who is trained and certified under the
7 commission on law enforcement standards act, 1965 PA 203, MCL
8 28.601 to 28.616, while engaged in his or her official duties or
9 going to or coming from his or her official duties, and who is
10 regularly employed and paid by a political subdivision of this
11 state.

12 (c) A person regularly employed by the department of
13 corrections and authorized in writing by the director of the
14 department of corrections to carry a concealed pistol. ~~during the~~
15 ~~performance of his or her duties or while going to or returning~~
16 ~~from his or her duties.~~ **THE DEPARTMENT OF CORRECTIONS MAY ESTABLISH**
17 **CONDITIONS AND RESTRICTIONS FOR THE CARRYING OF A CONCEALED PISTOL**
18 **BY A DEPARTMENTAL EMPLOYEE IN THE WRITTEN AUTHORIZATION UNDER THIS**
19 **SUBDIVISION. A CONDITION FOR AUTHORIZATION MAY INCLUDE UNDERGOING**
20 **TRAINING AS CONSIDERED APPROPRIATE BY THE DEPARTMENT. AN EMPLOYEE**
21 **AUTHORIZED BY THE DEPARTMENT OF CORRECTIONS TO CARRY A CONCEALED**
22 **PISTOL UNDER THIS SUBDIVISION SHALL HAVE THE WRITTEN AUTHORIZATION**
23 **IN HER POSSESSION AT ALL TIMES WHILE CARRYING A CONCEALED PISTOL**
24 **UNDER THIS SUBDIVISION. THE EMPLOYEE SHALL NOT CARRY A CONCEALED**
25 **PISTOL IN VIOLATION OF ANY CONDITION OR RESTRICTION STATED IN THE**
26 **AUTHORIZATION.**

27 (d) A person regularly employed as a local corrections officer

1 by a county sheriff, who is trained in the use of force and is
2 authorized in writing by the county sheriff to carry a concealed
3 pistol during the performance of his or her duties.

4 (e) A person regularly employed in a city jail or lockup who
5 has custody of persons detained or incarcerated in the jail or
6 lockup, is trained in the use of force, and is authorized in
7 writing by the chief of police or the county sheriff to carry a
8 concealed pistol during the performance of his or her duties.

9 (f) A member of the United States army, air force, navy, or
10 marine corps while carrying a concealed pistol in the line of duty.

11 (g) A member of the national guard, armed forces reserves, or
12 other duly authorized military organization while on duty or drill
13 or while going to or returning from his or her place of assembly or
14 practice or while carrying a concealed pistol for purposes of that
15 military organization.

16 (h) A resident of another state who is licensed by that state
17 to carry a concealed pistol.

18 (i) The regular and ordinary transportation of a pistol as
19 merchandise by an authorized agent of a person licensed to
20 manufacture firearms.

21 (j) A person while carrying a pistol unloaded in a wrapper or
22 container in the trunk of his or her vehicle or, if the vehicle
23 does not have a trunk, from transporting that pistol unloaded in a
24 locked compartment or container that is separated from the
25 ammunition for that pistol from the place of purchase to his or her
26 home or place of business or to a place of repair or back to his or
27 her home or place of business, or in moving goods from 1 place of

1 abode or business to another place of abode or business.

2 (k) A peace officer or law enforcement officer from Canada.

3 (2) As used in this act, "local corrections officer" means
4 that term as defined in section 2 of the local corrections officers
5 training act, 2003 PA 125, MCL 791.532.