

SENATE BILL No. 245

March 15, 2017, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 231 and 237a (MCL 750.231 and 750.237a), section 231 as amended by 2006 PA 401 and section 237a as amended by 2015 PA 26; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 231. (1) Except as provided in subsection (2), sections
2 224, 224a, 224b, 224d, ~~226a~~, 227, 227c, and 227d do not apply to
3 any of the following:

4 (a) A peace officer of an authorized police agency of the
5 United States, of this state, or of a political subdivision of this
6 state, who is regularly employed and paid by the United States,
7 this state, or a political subdivision of this state.

8 (b) A person who is regularly employed by the state department
9 of corrections and who is authorized in writing by the director of

1 the department of corrections to carry a concealed weapon while in
2 the official performance of his or her duties or while going to or
3 returning from those duties.

4 (c) A person employed by a private vendor that operates a
5 youth correctional facility authorized under section 20g of **THE**
6 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.220g, who meets the
7 same criteria established by the director of the state department
8 of corrections for departmental employees described in subdivision
9 (b) and who is authorized in writing by the director of the
10 department of corrections to carry a concealed weapon while in the
11 official performance of his or her duties or while going to or
12 returning from those duties.

13 (d) A member of the United States ~~army, air force, navy,~~ **ARMY,**
14 **AIR FORCE, NAVY,** or ~~marine corps~~ **MARINE CORPS** or the United States
15 ~~east guard~~ **COAST GUARD** while carrying weapons in the line of or
16 incidental to duty.

17 (e) An organization authorized by law to purchase or receive
18 weapons from the United States or from this state.

19 (f) A member of the ~~national guard, armed forces reserve,~~
20 **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,** the United
21 States ~~east guard reserve,~~ **COAST GUARD RESERVE,** or any other
22 authorized military organization while on duty or drill, or in
23 going to or returning from a place of assembly or practice, while
24 carrying weapons used for a purpose of the ~~national guard, armed~~
25 ~~forces reserve,~~ **NATIONAL GUARD, UNITED STATES ARMED FORCES RESERVE,**
26 United States ~~east guard reserve,~~ **COAST GUARD RESERVE,** or other
27 duly authorized military organization.

1 (g) A security employee employed by the state and granted
2 limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

3 (h) A motor carrier officer appointed under section 6d of 1935
4 PA 59, MCL 28.6d.

5 (2) As applied to section 224a(1) only, subsection (1) is not
6 applicable to an individual included under subsection (1)(a), (b),
7 or (c) unless he or she has been trained on the use, effects, and
8 risks of using a portable device or weapon described in section
9 224a(1).

10 Sec. 237a. (1) An individual who engages in conduct proscribed
11 under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f,
12 234a, 234b, or 234c, or who engages in conduct proscribed under
13 section 223(2) for a second or subsequent time, in a weapon free
14 school zone is guilty of a felony punishable by 1 or more of the
15 following:

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

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

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

21 (2) An individual who engages in conduct proscribed under
22 section 223(1), 224d, ~~226a~~, 227c, 227d, 231c, 232a(1) or (4), 233,
23 234, 234e, 234f, 235, 236, or 237, or who engages in conduct
24 proscribed under section 223(2) for the first time, in a weapon
25 free school zone is guilty of a misdemeanor punishable by 1 or more
26 of the following:

27 (a) Imprisonment for not more than the maximum term of

1 imprisonment authorized for the section violated or 93 days,
2 whichever is greater.

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

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

6 (3) Subsections (1) and (2) do not apply to conduct proscribed
7 under a section enumerated in those subsections to the extent that
8 the proscribed conduct is otherwise exempted or authorized under
9 this chapter.

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

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

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

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

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

17 (a) An individual employed by or contracted by a school if the
18 possession of that weapon is to provide security services for the
19 school.

20 (b) A peace officer.

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

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

26 (e) An individual who possesses a firearm on school property
27 if that possession is with the permission of the school's principal

1 or an agent of the school designated by the school's principal or
2 the school board.

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

7 (i) The individual is carrying an antique firearm, completely
8 unloaded, in a wrapper or container in the trunk of a vehicle while
9 en route to or from a hunting or target shooting area or function
10 involving the exhibition, demonstration or sale of antique
11 firearms.

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

17 (iii) The ~~person~~-**INDIVIDUAL** is carrying a firearm unloaded in
18 a wrapper or container in the trunk of the ~~person's~~-**INDIVIDUAL'S**
19 vehicle from the place of purchase to his or her home or place of
20 business or to a place of repair or back to his or her home or
21 place of business, or in moving goods from one place of abode or
22 business to another place of abode or business.

23 (iv) The ~~person~~-**INDIVIDUAL** is carrying an unloaded firearm in
24 the passenger compartment of a vehicle that does not have a trunk,
25 if the ~~person~~-**INDIVIDUAL** is otherwise complying with the
26 requirements of subparagraph (ii) or (iii) and the wrapper or
27 container is not readily accessible to the occupants of the

Senate Bill No. 245 as amended June 20, 2017
1 vehicle.

2 (6) As used in this section:

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

4 (i) A firearm not designed or redesigned for using rimfire or
5 conventional center fire ignition with fixed ammunition and
6 manufactured in or before 1898, including a matchlock, flintlock,
7 percussion cap, or similar type of ignition system or a replica of
8 such a firearm, whether actually manufactured before or after the
9 year 1898.

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

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

17 (c) "School property" means a building, playing field, or
18 property used for school purposes to impart instruction to children
19 or used for functions and events sponsored by a school, except a
20 building used primarily for adult education or college extension
21 courses.

22 (d) "Weapon" includes, but is not limited to, a pneumatic gun.

23 (e) "Weapon free school zone" means school property and a
24 vehicle used by a school to transport students to or from school
25 property.

26 Enacting section 1. Section 226a of the Michigan penal code,
27 1931 PA 328, MCL 750.226a, is repealed.

[Enacting section 2. This amendatory act takes effect 90 days after the
date it is enacted into law.]