

# HOUSE BILL No. 6066

May 23, 2018, Introduced by Reps. LaFave, Johnson, Marino, Allor, Howell, Rendon,  
Graves, VanSingel and Glenn 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  
5 school zone is guilty of a felony punishable by 1 or more of the  
6 following:

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

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

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

3 (2) An individual who engages in conduct proscribed under  
4 section 223(1), 224d, 227c, 227d, 231c, 232a(1) or (4), 233, 234,  
5 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed  
6 under section 223(2) for the first time, in a weapon free school  
7 zone is guilty of a misdemeanor punishable by 1 or more of the  
8 following:

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

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

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

15 (3) Subsections (1) and (2) do not apply to conduct proscribed  
16 under a section enumerated in those subsections to the extent that  
17 the proscribed conduct is otherwise exempted or authorized under  
18 this chapter.

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

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

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

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

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

26 (a) An individual employed by or contracted by a school if the  
27 possession of that weapon is to provide security services for the

1 school.

2 (b) A peace officer.

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

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

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

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

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

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

26 (iii) The individual is carrying a firearm unloaded in a  
27 wrapper or container in the trunk of the individual's vehicle from

1 the place of purchase to his or her home or place of business or to  
2 a place of repair or back to his or her home or place of business,  
3 or in moving goods from one place of abode or business to another  
4 place of abode or business.

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

10 **(G) A TEACHER OR OTHER SCHOOL EMPLOYEE CARRYING A SELF-DEFENSE**  
11 **SPRAY OR FOAM DEVICE IN THE SCHOOL WHERE THAT TEACHER OR OTHER**  
12 **SCHOOL EMPLOYEE IS EMPLOYED.**

13 (6) As used in this section:

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

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

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

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

1           (c) "School property" means a building, playing field, or  
2 property used for school purposes to impart instruction to children  
3 or used for functions and events sponsored by a school, except a  
4 building used primarily for adult education or college extension  
5 courses.

6           **(D) "SELF-DEFENSE SPRAY OR FOAM DEVICE" MEANS THAT TERM AS**  
7 **DEFINED IN SECTION 224D.**

8           **(E)** ~~(d)~~—"Weapon" includes, but is not limited to, a pneumatic  
9 gun.

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