

HOUSE BILL No. 5101

September 28, 1989, Introduced by Reps. Martin, Bartnik, DeMars, Runco, Stacey, Maynard, Stupak, Palamara, Hertel, Wartner, Law, Hoffman, Nye, Gilmer, Johnson, London, Sikkema, Sparks, Profit, Fitzgerald, Miller, Camp, Munsell, Porreca, Weeks, Willis Bullard, Pitoniak, DeLange and Krause and referred to the Committee on Judiciary.

A bill to amend section 227b of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
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, being section 750.227b of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 227b. (1) A person who carries or has in his OR HER
5 possession a firearm at the time he OR SHE commits or attempts to
6 commit a felony ~~, except the~~ OTHER THAN A violation of section
7 227 or ~~section~~ 227a OR A VIOLATION OF SECTION 7401, 7402, 7403,
8 OR 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS
9 OF 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, AND
10 333.7407 OF THE MICHIGAN COMPILED LAWS, is guilty of a felony,

1 and shall be imprisoned for 2 years. A PERSON WHO CARRIES OR HAS
2 IN HIS OR HER POSSESSION A FIREARM AT THE TIME HE OR SHE COMMITS
3 OR ATTEMPTS A VIOLATION OF SECTION 7401, 7402, 7403, OR 7407 OF
4 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, IF THE VIOLATION IS A
5 FELONY, IS GUILTY OF A FELONY, AND SHALL BE IMPRISONED FOR 5
6 YEARS. Upon a second conviction under this section, the person
7 shall be imprisoned for 5 years. Upon a third or subsequent con-
8 viction under this section, the person shall be imprisoned for 10
9 years.

10 (2) The term of imprisonment prescribed by this section
11 shall be in addition to the sentence imposed for the conviction
12 of the felony or the attempt to commit the felony, and shall be
13 served consecutively with, and preceding, any term of imprison-
14 ment imposed for the conviction of the felony or attempt to
15 commit the felony.

16 (3) The term of imprisonment imposed under this section
17 shall not be suspended. The person subject to the sentence man-
18 dated by this section ~~shall~~ IS not ~~be~~ eligible for parole or
19 probation during the mandatory term OF IMPRISONMENT imposed pur-
20 suant to subsection (1).