

SENATE BILL No. 385

April 27, 1989, Introduced by Senator N. SMITH and referred to the Committee on Criminal Justice and Urban Affairs.

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~~ A violation of section 227 or sec-
7 tion 227a, is guilty of a felony, and shall be imprisoned for ~~2~~
8 5 years. ~~Upon a second conviction under this section, the~~
9 ~~person shall be imprisoned for 5 years.~~ Upon a ~~third~~ SECOND or

1 subsequent conviction under this section, the person shall be
2 imprisoned for 10 years.

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

9 (3) The term of imprisonment imposed under this section
10 shall not be suspended. The person subject to the sentence man-
11 dated by this section shall not be eligible for parole or proba-
12 tion during the mandatory term imposed pursuant to subsection
13 (1).