

HOUSE BILL NO. 6151

May 26, 2022, Introduced by Reps. Carra, Mekoski, Bezotte, LaFave, Maddock, Marino and Berman 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, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 5o (MCL 28.425o), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5o. (1) Subject to subsection (5), an individual licensed
2 under this act to carry a concealed pistol, or who is exempt from
3 licensure under section 12a(h), shall not carry a concealed pistol
4 on the premises of any of the following:

5 (a) A school or school property. ~~except that a~~ **This**
6 **subdivision does not apply to either of the following:**

7 (i) A parent or legal guardian of a student of the school ~~is~~
8 ~~not precluded from~~ carrying a concealed pistol while in a vehicle
9 on school property, if he or she is dropping the student off at the
10 school or picking up the student from the school. ~~As used in this~~
11 ~~section, "school" and "school property" mean those terms as defined~~
12 ~~in section 237a of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.237a.~~

14 (ii) A school employee carrying a concealed pistol in that
15 school or on that school property if both of the following apply:

16 (A) The chief executive officer of the school has authorized
17 that individual to carry a concealed pistol in that school or on
18 that school property. A chief executive officer shall allow at
19 least 3 school employees to carry a concealed pistol in that school
20 or on that school property.

21 (B) The pistol is in a container that is securely locked to
22 prevent anyone other than that employee from gaining unauthorized
23 access to that pistol. Any container used must contain 2 separate
24 unlocking mechanisms.

25 (b) A public or private child care center or day care center,

1 public or private child caring institution, or public or private
2 child placing agency.

3 (c) A sports arena or stadium.

4 (d) A bar or tavern licensed under the Michigan liquor control
5 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
6 primary source of income of the business is the sale of alcoholic
7 liquor by the glass and consumed on the premises. This subdivision
8 does not apply to an owner or employee of the business. The
9 Michigan liquor control commission shall develop and make available
10 to holders of licenses under the Michigan liquor control code of
11 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
12 stating that "This establishment prohibits patrons from carrying
13 concealed weapons". The owner or operator of an establishment
14 licensed under the Michigan liquor control code of 1998, 1998 PA
15 58, MCL 436.1101 to 436.2303, may post the sign developed under
16 this subdivision.

17 (e) Any property or facility owned or operated by a church,
18 synagogue, mosque, temple, or other place of worship, unless the
19 presiding official or officials of the church, synagogue, mosque,
20 temple, or other place of worship permit the carrying of concealed
21 pistol on that property or facility.

22 (f) An entertainment facility with a seating capacity of 2,500
23 or more individuals that the individual knows or should know has a
24 seating capacity of 2,500 or more individuals or that has a sign
25 above each public entrance stating in letters not less than 1-inch
26 high a seating capacity of 2,500 or more individuals.

27 (g) A hospital.

28 (h) A dormitory or classroom of a community college, college,
29 or university.

1 (2) Subject to **this subsection and** subsection (5), an
2 individual shall not carry a portable device that uses electro-
3 muscular disruption technology on any of the premises described in
4 subsection (1). **A school employee may carry a portable device that**
5 **uses electro-muscular disruption technology on the premises where**
6 **that employee is employed if both of the following apply:**

7 (a) The chief executive officer of the school has authorized
8 that individual to carry a portable device that uses electro-
9 muscular disruption technology in that school or on that school
10 property. A chief executive officer shall allow at least 3 school
11 employees to carry a portable device that uses electro-muscular
12 disruption technology in that school or on that school property.

13 (b) The device is in a container that is securely locked to
14 prevent anyone other than that employee from gaining unauthorized
15 access to that device. Any container used must contain 2 separate
16 unlocking mechanisms.

17 (3) An individual licensed under this act to carry a concealed
18 pistol, or who is exempt from licensure under section 12a(h), shall
19 not carry a concealed pistol in violation of R 432.1212 of the
20 Michigan Administrative Code promulgated under the Michigan ~~gaming~~
21 ~~control and revenue act,~~ **Gaming Control and Revenue Act**, 1996 IL 1,
22 MCL 432.201 to 432.226.

23 (4) As used in subsection (1), "premises" does not include
24 parking areas of the places identified under subsection (1).

25 (5) Subsections (1) and (2) do not apply to any of the
26 following:

27 (a) An individual licensed under this act who is a retired
28 police officer, retired law enforcement officer, or retired federal
29 law enforcement officer.

1 (b) An individual who is licensed under this act and who is
2 employed or contracted by an entity described under subsection (1)
3 to provide security services and is required by his or her employer
4 or the terms of a contract to carry a concealed firearm on the
5 premises of the employing or contracting entity.

6 (c) An individual who is licensed as a private investigator or
7 private detective under the professional investigator licensure
8 act, 1965 PA 285, MCL 338.821 to 338.851.

9 (d) An individual who is licensed under this act and who is a
10 corrections officer of a county sheriff's department or who is
11 licensed under this act and is a retired corrections officer of a
12 county sheriff's department, if that individual has received county
13 sheriff approved weapons training.

14 (e) An individual who is licensed under this act and who is a
15 motor carrier officer or capitol security officer of the department
16 of state police.

17 (f) An individual who is licensed under this act and who is a
18 member of a sheriff's posse.

19 (g) An individual who is licensed under this act and who is an
20 auxiliary officer or reserve officer of a police or sheriff's
21 department.

22 (h) An individual who is licensed under this act and who is
23 any of the following:

24 (i) A parole, probation, or corrections officer, or absconder
25 recovery unit member, of the department of corrections, if that
26 individual has obtained a Michigan department of corrections
27 weapons permit.

28 (ii) A retired parole, probation, or corrections officer, or
29 retired absconder recovery unit member, of the department of

1 corrections, if that individual has obtained a Michigan department
2 of corrections weapons permit.

3 (i) A state court judge or state court retired judge who is
4 licensed under this act.

5 (j) An individual who is licensed under this act and who is a
6 court officer.

7 (k) An individual who is licensed under this act and who is a
8 peace officer.

9 (6) An individual who violates this section is responsible for
10 a state civil infraction or guilty of a crime as follows:

11 (a) Except as provided in subdivisions (b) and (c), the
12 individual is responsible for a state civil infraction and may be
13 fined not more than \$500.00. The court shall order the individual's
14 license to carry a concealed pistol suspended for 6 months.

15 (b) For a second violation, the individual is guilty of a
16 misdemeanor punishable by a fine of not more than \$1,000.00. The
17 court shall order the individual's license to carry a concealed
18 pistol revoked.

19 (c) For a third or subsequent violation, the individual is
20 guilty of a felony punishable by imprisonment for not more than 4
21 years or a fine of not more than \$5,000.00, or both. The court
22 shall order the individual's license to carry a concealed pistol
23 revoked.

24 **(7) As used in this section, "school" and "school property"**
25 **mean those terms as defined in section 237a of the Michigan penal**
26 **code, 1931 PA 328, MCL 750.237a.**