

HOUSE BILL No. 4543

April 21, 1999, Introduced by Reps. Basham, DeRossett, Bradstreet, Sanborn, Koetje, Hart, Kukuk, Howell, DeVuyst, Kuipers, Voorhees, Woronchak, DeWeese, Rick Johnson, Patterson, Gosselin, LaSata, Birkholz, Richardville, Rocca, Julian, Mans, Schauer, Mortimer, Pappageorge, Bishop, Jelinek, Kowall, Cameron Brown, Vander Roest, Allen, Pestka, Green, Schermesser, Jansen, Middaugh, Stamas, Bovin, Garcia, Sheltroun, Neumann, Faunce, Frank, DeHart, Shulman, Jellema, Pumford, Scranton, Cassis, Raczkowski and Tabor and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 233, 234d, 234e, 234f, 235, and 237 (MCL
750.233, 750.234d, 750.234e, 750.234f, 750.235, and 750.237),
section 234d as amended by 1994 PA 158, section 234e as added by
1990 PA 321, and section 234f as amended by 1996 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 233. (1) ~~Intentionally aiming fire arm without~~
2 ~~malice--Any~~ A person who ~~shall~~ intentionally, BUT without
3 malice, ~~point~~ POINTS or ~~aim any fire arm~~ AIMS A FIREARM at or
4 toward any other person, ~~shall be~~ IS, EXCEPT AS OTHERWISE PRO-
5 VIDED IN THIS SECTION, guilty of a misdemeanor PUNISHABLE BY
6 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
7 \$100.00, OR BOTH.

1 (2) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT
2 VIOLATION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
3 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
4 \$2,500.00, OR BOTH.

5 (3) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
6 PISTOL WHO VIOLATES SUBSECTION (1) AND IS CARRYING A PISTOL,
7 WHETHER CONCEALED OR NOT, AT THE TIME HE OR SHE COMMITS THE VIO-
8 LATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
9 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

10 Sec. 234. (1) ~~Discharge of fire arm intentionally but~~
11 ~~without malice aimed at another--Any~~ A person who ~~shall~~
12 ~~discharge~~ DISCHARGES A FIREARM, without ~~injury to~~ INJURING any
13 other person, ~~any fire arm,~~ while intentionally, BUT without
14 malice, ~~aimed~~ AIMING THAT FIREARM at or toward ~~any~~ ANOTHER
15 person, ~~shall be~~ IS, EXCEPT AS OTHERWISE PROVIDED IN THIS
16 SECTION, guilty of a misdemeanor ~~—~~ punishable by imprisonment
17 ~~in the county jail~~ FOR not more than 1 year or ~~by~~ a fine of
18 not more than ~~500 dollars~~ \$500.00, OR BOTH.

19 (2) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT VIOLA-
20 TION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
21 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
22 \$2,500.00, OR BOTH.

23 (3) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
24 PISTOL WHO VIOLATES SUBSECTION (1) AND IS CARRYING A PISTOL,
25 WHETHER CONCEALED OR NOT, AT THE TIME HE OR SHE COMMITS THE VIO-
26 LATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
27 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

1 Sec. 234d. (1) Except as provided in subsection (2), a
2 person shall not possess a firearm on the premises of any of the
3 following:

4 (a) A depository financial institution or a subsidiary or
5 affiliate of a depository financial institution.

6 (b) A church or other house of religious worship.

7 (c) A court.

8 (d) A theatre.

9 (e) A sports arena.

10 (f) A day care center.

11 (g) A hospital.

12 (h) An establishment licensed under the Michigan liquor con-
13 trol ~~act, Act No. 8 of the Public Acts of the Extra Session of~~
14 ~~1933, being sections 436.1 to 436.58 of the Michigan Compiled~~
15 ~~Laws~~ CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

16 (2) This section does not apply to any of the following:

17 (a) A person who owns, or is employed by or contracted by,
18 an entity described in subsection (1) if the possession of that
19 firearm is to provide security services for that entity.

20 (b) A peace officer.

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

23 (d) A person who possesses a firearm on the premises of an
24 entity described in subsection (1) if that possession is with the
25 permission of the owner or an agent of the owner of that entity.

26 (3) A person who violates this section is, EXCEPT AS
27 OTHERWISE PROVIDED IN THIS SECTION, guilty of a misdemeanor

1 punishable by imprisonment for not more than ~~90~~ 93 days or a
2 fine of not more than \$100.00, or both.

3 (4) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT VIOLA-
4 TION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
5 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
6 \$2,500.00, OR BOTH.

7 Sec. 234e. (1) Except as provided in subsection (2), a
8 person shall not knowingly brandish a firearm in public.

9 (2) Subsection (1) does not apply to any of the following:

10 (a) A peace officer lawfully performing his or her duties as
11 a peace officer.

12 (b) A person lawfully engaged in hunting.

13 (c) A person lawfully engaged in target practice.

14 (d) A person lawfully engaged in the sale, purchase, repair,
15 or transfer of that firearm.

16 (3) A person who violates this section is, EXCEPT AS OTHER-
17 WISE PROVIDED IN THIS SECTION, guilty of a misdemeanor punishable
18 by imprisonment for not more than ~~90~~ 93 days, or a fine of not
19 more than \$100.00, or both.

20 (4) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT VIOLA-
21 TION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
22 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
23 \$2,500.00, OR BOTH.

24 (5) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
25 PISTOL WHO VIOLATES SUBSECTION (1) AND IS CARRYING A PISTOL,
26 WHETHER CONCEALED OR NOT, AT THE TIME HE OR SHE COMMITS THE
27 VIOLATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR

1 NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR
2 BOTH.

3 (6) AS USED IN THIS SECTION, "BRANDISH" MEANS TO EXHIBIT OR
4 DISPLAY IN AN AGGRESSIVE OR MENACING MANNER.

5 Sec. 234f. (1) Except as provided in subsection (2), an
6 individual less than 18 years of age shall not possess a firearm
7 in public except under the direct supervision of an individual 18
8 years of age or older.

9 (2) Subsection (1) does not apply to an individual less than
10 18 years of age who possesses a firearm in accordance with part
11 401 ~~—(wildlife conservation)—~~ of the natural resources and envi-
12 ronmental protection act, ~~Act No. 451 of the Public Acts of~~
13 ~~1994, being sections 324.40101 to 324.40119 of the Michigan~~
14 ~~Compiled Laws~~ 1994 PA 451, MCL 324.40101 TO 324.40119, or part
15 435 ~~—(hunting and fishing licensing)—~~ of Act No. 451 of the Public
16 Acts of 1994, ~~being sections 324.43501 to 324.43561 of the~~
17 ~~Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVIRONMEN-
18 TAL PROTECTION ACT, 1994 PA 451, MCL 324.43501 TO 324.43561.
19 However, an individual less than 18 years of age may possess a
20 firearm without a hunting license while at, or going to or from,
21 a recognized target range or trap or skeet shooting ground if,
22 while going to or from the range or ground, the firearm is
23 enclosed and securely fastened in a case or locked in the trunk
24 of a motor vehicle.

25 (3) An individual who violates this section is, EXCEPT AS
26 OTHERWISE PROVIDED IN THIS SECTION, guilty of a misdemeanor —

1 punishable by imprisonment for not more than ~~90~~ 93 days ~~—~~, or
2 a fine of not more than \$100.00, or both.

3 (4) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT VIOLA-
4 TION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
5 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
6 \$2,500.00, OR BOTH.

7 Sec. 235. (1) ~~Injuring by discharge of fire-arm inten-~~
8 ~~tionally but without malice pointed at another--Any~~ A person who
9 ~~shall maim~~ MAIMS or ~~injure~~ INJURES any other person by the
10 discharge of ~~any fire-arm~~ A FIREARM pointed or aimed intention-
11 ally, without malice, at ~~any such~~ ANOTHER person ~~shall be~~ IS,
12 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, guilty of a misde-
13 meanor ~~—~~, punishable by imprisonment ~~in the county jail~~ FOR
14 not more than 1 year or ~~by~~ a fine of not more than ~~500~~
15 ~~dollars~~ \$500.00, OR BOTH.

16 (2) AN INDIVIDUAL WHO COMMITS A SECOND OR SUBSEQUENT VIOLA-
17 TION OF SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
18 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
19 \$2,500.00, OR BOTH.

20 (3) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
21 PISTOL WHO VIOLATES SUBSECTION (1) AND IS CARRYING A PISTOL,
22 WHETHER CONCEALED OR NOT, AT THE TIME HE OR SHE COMMITS THE VIO-
23 LATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
24 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

25 Sec. 237. (1) ~~Possession or use of fire-arm by person~~
26 ~~under influence of liquor or drug--Any~~ A person ~~under the~~
27 ~~influence of intoxicating liquor or any exhilarating or~~

1 ~~stupefying drug~~ who ~~shall carry, have~~ CARRIES A FIREARM OR HAS
2 A FIREARM in HIS OR HER possession or ~~under~~ control, ~~or use in~~
3 ~~any manner or discharge any fire arm within this state, shall be~~
4 WHILE HE OR SHE IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR
5 AN EXHILARATING OR STUPEFYING DRUG, OR WHILE HAVING A BODILY
6 ALCOHOL CONTENT OF .08 OR MORE PER 100 MILLILITERS OF BLOOD, PER
7 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, IS, EXCEPT
8 AS OTHERWISE PROVIDED IN THIS SECTION, guilty of a misdemeanor
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
10 NOT MORE THAN \$100.00, OR BOTH.

11 (2) AN INDIVIDUAL WHO DISCHARGES A FIREARM WHILE HE OR SHE
12 IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR AN EXHILARATING
13 OR STUPEFYING DRUG, OR WHILE HAVING A BODILY ALCOHOL CONTENT OF
14 .08 GRAMS OR MORE PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF
15 BREATH, OR PER 67 MILLILITERS OF URINE, IS, EXCEPT AS OTHERWISE
16 PROVIDED IN THIS SECTION, GUILTY OF A CRIME AS FOLLOWS:

17 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
18 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2
19 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

20 (B) IF THE PERSON IS LICENSED TO CARRY A CONCEALED PISTOL AT
21 THE TIME HE OR SHE DISCHARGES THE FIREARM, THE PERSON IS GUILTY
22 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS
23 OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

24 (3) AS USED IN THIS SECTION, "INTOXICATING LIQUOR" MEANS
25 ALCOHOLIC LIQUOR AS DEFINED IN SECTION 105 OF THE MICHIGAN LIQUOR
26 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1105.

1 Enacting section 1. This amendatory act takes effect
2 September 30, 1999.

3 Enacting section 2. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill No. _____
5 (request no. 00486'99 ***) of the 90th Legislature is enacted
6 into law.