

# SENATE BILL No. 838

October 21, 1999, Introduced by Senators PETERS and VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 227g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 227G. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-  
2 TION, A PERSON WHO HAS BEEN CONVICTED OF A VIOLENT FELONY SHALL  
3 NOT PURCHASE, OWN, POSSESS, OR USE BODY ARMOR.

4 (2) A PERSON WHO HAS BEEN CONVICTED OF A VIOLENT FELONY  
5 WHOSE EMPLOYMENT, LIVELIHOOD, OR SAFETY IS DEPENDENT ON HIS OR  
6 HER ABILITY TO PURCHASE, OWN, POSSESS, OR USE BODY ARMOR MAY  
7 PETITION THE CHIEF OF POLICE OF THE LOCAL UNIT OF GOVERNMENT IN  
8 WHICH HE OR SHE RESIDES OR, IF HE OR SHE DOES NOT RESIDE IN A  
9 LOCAL UNIT OF GOVERNMENT THAT HAS A POLICE DEPARTMENT, THE COUNTY  
10 SHERIFF, FOR WRITTEN PERMISSION TO PURCHASE, OWN, POSSESS, OR USE  
11 BODY ARMOR UNDER THIS SECTION.

1       (3) THE CHIEF OF POLICE OF A LOCAL UNIT OF GOVERNMENT OR THE  
2 COUNTY SHERIFF MAY GRANT A PERSON WHO PROPERLY PETITIONS THAT  
3 CHIEF OF POLICE OR COUNTY SHERIFF UNDER SUBSECTION (2) WRITTEN  
4 PERMISSION TO PURCHASE, OWN, POSSESS, OR USE BODY ARMOR AS PRO-  
5 VIDED IN THIS SECTION IF THE CHIEF OF POLICE OR COUNTY SHERIFF  
6 DETERMINES THAT BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

7       (A) THE PETITIONER IS LIKELY TO USE BODY ARMOR IN A SAFE AND  
8 LAWFUL MANNER.

9       (B) THE PETITIONER HAS REASONABLE NEED FOR THE PROTECTION  
10 PROVIDED BY BODY ARMOR.

11       (4) IN MAKING THE DETERMINATION REQUIRED UNDER SUBSECTION  
12 (3), THE CHIEF OF POLICE OR COUNTY SHERIFF SHALL CONSIDER ALL OF  
13 THE FOLLOWING:

14       (A) THE PETITIONER'S CONTINUED EMPLOYMENT.

15       (B) THE INTERESTS OF JUSTICE.

16       (C) OTHER CIRCUMSTANCES JUSTIFYING ISSUANCE OF WRITTEN PER-  
17 MISSION TO PURCHASE, OWN, POSSESS, OR USE BODY ARMOR.

18       (5) THE CHIEF OF POLICE OR COUNTY SHERIFF MAY RESTRICT WRIT-  
19 TEN PERMISSION ISSUED TO A PETITIONER UNDER THIS SECTION IN ANY  
20 MANNER DETERMINED APPROPRIATE BY THAT CHIEF OF POLICE OR COUNTY  
21 SHERIFF. IF PERMISSION IS RESTRICTED, THE CHIEF OF POLICE OR  
22 COUNTY SHERIFF SHALL STATE THE RESTRICTIONS IN THE PERMISSION  
23 DOCUMENT.

24       (6) IT IS THE INTENT OF THE LEGISLATURE THAT CHIEFS OF  
25 POLICE AND COUNTY SHERIFFS EXERCISE BROAD DISCRETION IN DETERMIN-  
26 ING WHETHER TO ISSUE WRITTEN PERMISSION TO PURCHASE, OWN,  
27 POSSESS, OR USE BODY ARMOR UNDER THIS SECTION. HOWEVER, NOTHING

1 IN THIS SECTION REQUIRES A CHIEF OF POLICE OR COUNTY SHERIFF TO  
2 ISSUE WRITTEN PERMISSION TO ANY PARTICULAR PETITIONER. THE ISSU-  
3 ANCE OF WRITTEN PERMISSION TO PURCHASE, OWN, POSSESS, OR USE BODY  
4 ARMOR UNDER THIS SECTION DOES NOT RELIEVE ANY PERSON OR ENTITY  
5 FROM CRIMINAL LIABILITY THAT MIGHT OTHERWISE BE IMPOSED.

6 (7) A PERSON WHO RECEIVES WRITTEN PERMISSION FROM A CHIEF OF  
7 POLICE OR COUNTY SHERIFF TO PURCHASE, OWN, POSSESS, OR USE BODY  
8 ARMOR SHALL HAVE THAT WRITTEN PERMISSION IN HIS OR HER POSSESSION  
9 WHEN HE OR SHE IS PURCHASING, OWNING, POSSESSING, OR USING BODY  
10 ARMOR.

11 (8) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME  
12 AS FOLLOWS:

13 (A) FOR A VIOLATION OF SUBSECTION (1), THE PERSON IS GUILTY  
14 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS  
15 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

16 (B) FOR A VIOLATION OF SUBSECTION (7), THE PERSON IS GUILTY  
17 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93  
18 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

19 (9) AS USED IN THIS SECTION:

20 (A) "BODY ARMOR" MEANS THAT TERM AS DEFINED IN SECTION  
21 227F.

22 (B) "VIOLENT FELONY" MEANS THAT TERM AS DEFINED IN SECTION  
23 36 OF 1953 PA 232, MCL 791.236.