

HOUSE BILL No. 4438

March 15, 2011, Introduced by Reps. Bauer and Meadows 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 and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 2008 PA 407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5o. (1) Subject to subsection (4), an individual licensed
2 under this act to carry a concealed pistol, or who is exempt from
3 licensure under section ~~12a(1)(f)~~, **12A(1)(H)**, shall not carry a

1 concealed pistol on the premises of any of the following:

2 (a) A school or school property except that a parent or legal
3 guardian of a student of the school is not precluded from carrying
4 a concealed pistol while in a vehicle on school property, if he or
5 she is dropping the student off at the school or picking up the
6 child from the school. As used in this section, "school" and
7 "school property" mean those terms as defined in section 237a of
8 the Michigan penal code, 1931 PA 328, MCL 750.237a.

9 (b) A public or private child care center or day care center,
10 public or private child caring institution, or public or private
11 child placing agency.

12 (c) A sports arena or stadium.

13 (d) A bar or tavern licensed under the Michigan liquor control
14 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
15 primary source of income of the business is the sale of alcoholic
16 liquor by the glass and consumed on the premises. This subdivision
17 does not apply to an owner or employee of the business. The
18 Michigan liquor control commission shall develop and make available
19 to holders of licenses under the Michigan liquor control code of
20 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
21 stating that "This establishment prohibits patrons from carrying
22 concealed weapons". The owner or operator of an establishment
23 licensed under the Michigan liquor control code of 1998, 1998 PA
24 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
25 sign developed under this subdivision. A record made available by
26 an establishment licensed under the Michigan liquor control code of
27 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce

1 this subdivision is exempt from disclosure under the freedom of
2 information act, 1976 PA 442, MCL 15.231 to 15.246.

3 (e) Any property or facility owned or operated by a church,
4 synagogue, mosque, temple, or other place of worship, unless the
5 presiding official or officials of the church, synagogue, mosque,
6 temple, or other place of worship permit the carrying of concealed
7 pistol on that property or facility.

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

13 (g) A hospital.

14 (h) A dormitory or classroom of a community college, college,
15 or university.

16 **(I) A PUBLIC LIBRARY AS DEFINED IN SECTION 2 OF 1977 PA 89,**
17 **MCL 397.552.**

18 (2) An individual licensed under this act to carry a concealed
19 pistol, or who is exempt from licensure under section ~~12a(1)(f)~~,
20 **12A(1)(H)**, shall not carry a concealed pistol in violation of R
21 432.1212 or a successor rule of the Michigan administrative code
22 promulgated under the Michigan gaming control and revenue act, 1996
23 IL 1, MCL 432.201 to 432.226.

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

26 (4) Subsection (1) does not apply to any of the following:

27 (a) An individual licensed under this act who is a retired

1 police officer or retired law enforcement officer. The concealed
2 weapon licensing board may require a letter from the law
3 enforcement agency stating that the retired police officer or law
4 enforcement officer retired in good standing.

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

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

13 (d) An individual who is licensed under this act and who is a
14 corrections officer of a county sheriff's department.

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

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

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

23 (h) An individual who is licensed under this act and who is a
24 parole or probation officer of the department of corrections.

25 (i) A state court judge or state court retired judge who is
26 licensed under this act. The concealed weapon licensing board may
27 require a state court retired judge to obtain and carry a letter

1 from the judicial tenure commission stating that the state court
2 retired judge is in good standing as authorized under section 30 of
3 article VI of the state constitution of 1963, and rules promulgated
4 under that section, in order to qualify under this subdivision.

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

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

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

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