

SENATE BILL NO. 859

April 16, 2020, Introduced by Senator BARRETT and referred to the Committee on Government Operations.

A bill to amend 1945 PA 302, entitled
"An act authorizing the governor to proclaim a state of emergency,
and to prescribe the powers and duties of the governor with respect
thereto; and to prescribe penalties,"
by amending section 1 (MCL 10.31), as amended by 2006 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) During times of great public crisis, disaster,
2 rioting, catastrophe, or similar public emergency within the state,
3 or reasonable apprehension of immediate danger of a public
4 emergency of that kind, when public safety is imperiled, either

1 ~~upon-on~~ application of the mayor of a city, sheriff of a county, or
2 the commissioner of the Michigan state police or ~~upon-on~~ his or her
3 own volition, the governor may proclaim a state of emergency and
4 designate the area involved. After making the proclamation or
5 declaration, the governor may promulgate reasonable orders, rules,
6 and regulations as he or she considers necessary to protect life
7 and property or to bring the emergency situation within the
8 affected area under control. Those orders, rules, and regulations
9 may include, but are not limited to, providing for the control of
10 traffic, including public and private transportation, within the
11 area or any section of the area; designation of specific zones
12 within the area in which occupancy and use of buildings and ingress
13 and egress of persons and vehicles may be prohibited or regulated;
14 control of places of amusement and assembly and of persons on
15 public streets and thoroughfares; establishment of a curfew;
16 control of the sale, transportation, and use of alcoholic beverages
17 and liquors; and control of the storage, use, and transportation of
18 explosives or inflammable materials or liquids deemed to be
19 dangerous to public safety.

20 (2) The orders, rules, and regulations promulgated under
21 subsection (1) are effective from the date and in the manner
22 prescribed in the orders, rules, and regulations and ~~shall-must~~ be
23 made public as provided in the orders, rules, and regulations. The
24 orders, rules, and regulations may be amended, modified, or
25 rescinded, in the manner in which they were promulgated, from time
26 to time by the governor during the pendency of the emergency, but
27 ~~shall-must~~ cease to be in effect upon declaration by the governor
28 that the emergency no longer exists.

29 (3) Subsection (1) does not authorize the **following:**

1 **(a) The** seizure, taking, or confiscation of lawfully possessed
2 firearms, ammunition, or other weapons.

3 **(b) Banning the sale or purchase of firearms, ammunition, or**
4 **other weapons.**