

SENATE BILL NO. 35

January 26, 2021, Introduced by Senators POLEHANKI, BAYER, HOLLIER, MOSS, CHANG, BRINKS, GEISS, WOJNO, MCMORROW, MCCANN, IRWIN and SANTANA and referred to the Committee on Government Operations.

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

12 (b) A public or private child care center or day care center,
13 public or private child caring institution, or public or private
14 child placing agency.

15 (c) A sports arena or stadium.

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

1 this subdivision.

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

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

12 (g) A hospital.

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

15 (i) **The Michigan State Capitol Building.**

16 (2) Subject to subsection (5), an individual shall not carry a
17 portable device that uses electro-muscular disruption technology on
18 any of the premises described in subsection (1).

19 (3) An individual licensed under this act to carry a concealed
20 pistol, or who is exempt from licensure under section 12a(h), shall
21 not carry a concealed pistol in violation of R 432.1212 of the
22 Michigan Administrative Code promulgated under the Michigan ~~gaming~~
23 ~~control~~ **Gaming Control** and ~~revenue act,~~ **Revenue Act**, 1996 IL 1, MCL
24 432.201 to 432.226.

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

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

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

1 police officer, retired law enforcement officer, or retired federal
2 law enforcement officer.

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

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

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

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

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

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

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

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

1 (ii) A retired parole, probation, or corrections officer, or
2 retired absconder recovery unit member, of the department of
3 corrections, if that individual has obtained a Michigan department
4 of corrections weapons permit.

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

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

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

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

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

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

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

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. 34 of the 101st Legislature is enacted into
28 law.