

SENATE BILL NO. 857

May 02, 2024, Introduced by Senators POLEHANKI, BAYER, GEISS, KLINEFELT, MCMORROW, SHINK, CHANG, MCCANN and WOJNO and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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~~**subsections (4) and (5)**, an
2 individual licensed under this act to carry a concealed pistol, or
3 who is exempt from licensure under section 12a(h), shall not carry
4 a concealed pistol 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~~**the parent or legal guardian** is dropping the student off at the
9 school or picking up the student from the school. As used in this
10 section, "school" and "school property" mean those terms as defined
11 in section 237a of the Michigan penal code, 1931 PA 328, MCL
12 750.237a.

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

16 (c) A sports arena or stadium.

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

1 licensed under the Michigan liquor control code of 1998, 1998 PA
2 58, MCL 436.1101 to 436.2303, may post the sign developed under
3 this subdivision.

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

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

14 (g) A hospital.

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

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

18 (j) **The Anderson House Office Building.**

19 (k) **The Binsfeld Senate Office Building.**

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

23 (3) An individual licensed under this act to carry a concealed
24 pistol, or who is exempt from licensure under section 12a(h), shall
25 not carry a concealed pistol in violation of R 432.1212 of the
26 Michigan Administrative Code promulgated under the Michigan ~~gaming~~
27 ~~control~~ **Gaming Control** and ~~revenue act,~~ **Revenue Act**, 1996 IL 1, MCL
28 432.201 to 432.226.

29 (4) ~~As used in subsection (1), "premises" does not include~~

1 ~~parking areas of the places identified under subsection (1).~~

2 **Subsection (1) (i) to (k) does not apply to an individual licensed**
3 **to carry a concealed pistol under this act while that individual is**
4 **serving as a member of the Michigan house of representatives or the**
5 **Michigan senate.**

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

8 (a) An individual licensed under this act who is a retired
9 police officer, retired law enforcement officer, or retired federal
10 law enforcement officer.

11 (b) An individual who is licensed under this act and who is
12 employed or contracted by an entity described under subsection (1)
13 to provide security services and is required by ~~his or her~~ **the**
14 **individual's** employer or the terms of a contract to carry a
15 concealed firearm on the premises of the employing or contracting
16 entity.

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

20 (d) An individual who is licensed under this act and who is a
21 corrections officer of a county sheriff's department or who is
22 licensed under this act and is a retired corrections officer of a
23 county sheriff's department, if that individual has received county
24 sheriff approved weapons training.

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

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

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

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

6 (i) A parole, probation, or corrections officer, or absconder
7 recovery unit member, of the department of corrections, if that
8 individual has obtained a Michigan department of corrections
9 weapons permit.

10 (ii) A retired parole, probation, or corrections officer, or
11 retired absconder recovery unit member, of the department of
12 corrections, if that individual has obtained a Michigan department
13 of corrections weapons permit.

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

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

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

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

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

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

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

6 **(7) As used in subsection (1), "premises" does not include**
7 **parking areas of the places identified under subsection (1).**