

HOUSE BILL NO. 4285

March 14, 2023, Introduced by Reps. Johnsen, Cavitt, Bezotte, DeBoyer, Alexander, BeGole, Greene, Meerman, Rigas, Prestin, Zorn, Smit and Bierlein 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~~ **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. **This subdivision does not apply to a child**
16 **care center, day care center, child caring institution, or child**
17 **placing agency owned or operated by an institution of higher**
18 **education described in section 5 or 6 of article VIII of the state**
19 **constitution of 1963.**

20 (c) A sports arena or stadium. **This subdivision does not apply**
21 **to a sports arena or stadium owned or operated by an institution of**
22 **higher education described in section 5 or 6 of article VIII of the**
23 **state constitution of 1963.**

24 (d) A bar or tavern licensed under the Michigan liquor control
25 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
26 primary source of income of the business is the sale of alcoholic

1 liquor by the glass and consumed on the premises. This subdivision
2 does not apply to an owner or employee of the business. The
3 Michigan liquor control commission shall develop and make available
4 to holders of licenses under the Michigan liquor control code of
5 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
6 stating that "This establishment prohibits patrons from carrying
7 concealed weapons". The owner or operator of an establishment
8 licensed under the Michigan liquor control code of 1998, 1998 PA
9 58, MCL 436.1101 to 436.2303, may post the sign developed under
10 this subdivision.

11 (e) Any property or facility owned or operated by a church,
12 synagogue, mosque, temple, or other place of worship, unless the
13 presiding official or officials of the church, synagogue, mosque,
14 temple, or other place of worship permit the carrying of concealed
15 pistol on that property or facility. **This subdivision does not
16 apply to a place of worship owned or operated by an institution of
17 higher education described in section 5 or 6 of article VIII of the
18 state constitution of 1963.**

19 (f) An entertainment facility with a seating capacity of 2,500
20 or more individuals that the individual knows or should know has a
21 seating capacity of 2,500 or more individuals or that has a sign
22 above each public entrance stating in letters not less than 1-inch
23 high a seating capacity of 2,500 or more individuals. **This
24 subdivision does not apply to an entertainment facility owned or
25 operated by an institution of higher education described in section
26 5 or 6 of article VIII of the state constitution of 1963.**

27 (g) A hospital. **This subdivision does not apply to a hospital
28 owned or operated by an institution of higher education described
29 in section 5 or 6 of article VIII of the state constitution of**

1 1963.

2 ~~(h) A dormitory or classroom of a community college, college,~~
3 ~~or university.~~

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

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

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

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

17 (a) An individual licensed under this act who is a retired
18 police officer, retired law enforcement officer, or retired federal
19 law enforcement officer.

20 (b) An individual who is licensed under this act and who is
21 employed or contracted by an entity described under subsection (1)
22 to provide security services and is required by ~~his or her~~ **the**
23 **individual's** employer or the terms of a contract to carry a
24 concealed firearm on the premises of the employing or contracting
25 entity.

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

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

1 corrections officer of a county sheriff's department or who is
2 licensed under this act and is a retired corrections officer of a
3 county sheriff's department, if that individual has received county
4 sheriff approved weapons training.

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

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

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

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

15 (i) A parole, probation, or corrections officer, or absconder
16 recovery unit member, of the department of corrections, if that
17 individual has obtained a Michigan department of corrections
18 weapons permit.

19 (ii) A retired parole, probation, or corrections officer, or
20 retired absconder recovery unit member, of the department of
21 corrections, if that individual has obtained a Michigan department
22 of corrections weapons permit.

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

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

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

29 (6) An individual who violates this section is responsible for

1 a state civil infraction or guilty of a crime as follows:

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

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

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

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Joint Resolution ____ or House Joint Resolution A
17 (request no. 02084'23) of the 102nd Legislature becomes a part of
18 the state constitution of 1963 as provided in section 1 of article
19 XII of the state constitution of 1963.