

# HOUSE BILL NO. 5291

November 02, 2023, Introduced by Reps. Breen and Hope 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, 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.

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

4 (a) An individual licensed under this act who is a retired  
5 police officer, retired law enforcement officer, or retired federal  
6 law enforcement officer.

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

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

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

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

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

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

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

1 any of the following:

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

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

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

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

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

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

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

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

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

1 revoked.