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HOUSE BILL No. 5544

April 19, 2012, Introduced by Rep. Foster and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Michigan 96th Legislature -- 2012 Regular Session

A bill to amend 1931 PA 328, entitled

"The Michigan penal code,"

by amending sections 226, 227, and 231 (MCL 750.226, 750.227, and 750.231), section 227 as amended by 1986 PA 8 and section 231 as amended by 2006 PA 401; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 226. Carrying firearm or dangerous weapon with unlawful intent—~~Any~~  
A person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm , ~~or dagger, dirk,~~ A razor ~~,~~ stiletto, or A **knife** ,  
~~having a blade over 3 inches in length,~~ or any other dangerous or deadly weapon or instrument, ~~shall be~~ IS guilty of a felony ~~,~~ punishable by imprisonment ~~in the state prison~~ for not more than 5 years or ~~by~~ a fine of not more than ~~2,500 dollars.~~  
\$2,500.00, OR BOTH.

Sec. 227. (1) A person shall not carry a ~~dagger, dirk, stiletto, a double-edged nonfolding~~ ~~stabbing instrument~~ KNIFE of any length, or any other ~~dangerous weapon, except a hunting~~ **knife** adapted and ~~carried as such,~~ OBJECT DESIGNED, MANUFACTURED, OR INTENDED TO BE USED TO CAUSE DEATH OR INJURY TO ANY PERSON, concealed on or about his or her person ~~,~~ or , whether concealed or otherwise , in any vehicle operated or occupied by the person . ~~, except in his or her dwelling house, place of business or on other land possessed by the person.~~  
THIS SUBSECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

(A) A WEAPON CARRIED BY THE PERSON IN HIS OR HER DWELLING HOUSE OR PLACE OF BUSINESS OR ON OTHER LAND POSSESSED BY THE PERSON.

(B) A WEAPON CARRIED IN TRANSIT BETWEEN LOCATIONS DESCRIBED IN SUBDIVISION (A).

(C) A WEAPON CARRIED FOR HUNTING, FISHING, OR TRAPPING PURPOSES OR FOR USE AS A TOOL IN THE COURSE OF THE PERSON'S TRADE, OCCUPATION, OR HOBBY.

(2) A person shall not carry a pistol concealed on or about his or her person ~~,~~ or, whether concealed or otherwise, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law and , if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon ~~such~~ THAT license.

(3) A person who violates this section is guilty of a felony ~~,~~

punishable by imprisonment for not more than 5 years , or ~~by~~ a fine of not more than \$2,500.00 , OR BOTH .

Sec. 231. (1) Except as provided in subsection (2), sections 224, 224a, 224b, 224d, 226a, 227, 227c, and 227d do not apply to any of the following:

(a) A peace officer of an authorized police agency of the United States, of this state, or of a political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state.

(b) A person who is regularly employed by the state department of corrections and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(c) A person employed by a private vendor that operates a youth correctional facility authorized under section 20g of THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.220g, who meets the same criteria established by the director of the state department of corrections for departmental employees described in subdivision (b) and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(d) A member of the United States army, air force, navy, or marine corps or the United States coast guard while carrying weapons in the line of or incidental to duty.

(e) An organization authorized by law to purchase or receive weapons from the United States or from this state.

(f) A member of the national guard, armed forces reserve, the United States coast guard reserve, or any other authorized military organization while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the national guard, armed forces reserve, United States coast guard reserve, or other duly authorized military organization.

(g) A security employee employed by the state and granted limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

(h) A motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d.

(2) As applied to section 224a(1) only, subsection (1) ~~is~~ DOES not ~~applicable~~ APPLY to an individual included under subsection (1) (a), (b), or (c) unless he or she has been trained on the use, effects, and risks of using a portable device or weapon described in section 224a(1).

Enacting section 1. Section 226a of the Michigan penal code, 1931 PA 328, MCL 750.226a, is repealed.