

# HOUSE BILL No. 4262

February 14, 2013, Introduced by Rep. Foster and referred to the Committee on Tourism.

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.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

9        Sec. 227. (1) A person shall not carry a ~~dagger, dirk,~~

1 ~~stiletto, a double-edged nonfolding stabbing instrument~~ **KNIFE** of  
2 any length, or any other ~~dangerous weapon, except a hunting knife~~  
3 ~~adapted and carried as such~~ **OBJECT DESIGNED, MANUFACTURED, OR**  
4 **INTENDED TO BE USED TO CAUSE DEATH OR INJURY TO ANY PERSON,**  
5 concealed on or about his or her person ~~or, whether concealed or~~  
6 otherwise, in any vehicle operated or occupied by the person. ~~or~~  
7 ~~except in his or her dwelling house, place of business or on other~~  
8 ~~land possessed by the person.~~ **THIS SUBSECTION DOES NOT APPLY TO ANY**  
9 **OF THE FOLLOWING:**

10 (A) AN OBJECT CARRIED BY THE PERSON IN HIS OR HER DWELLING  
11 HOUSE OR PLACE OF BUSINESS OR ON OTHER LAND POSSESSED BY THE  
12 PERSON.

13 (B) AN OBJECT CARRIED IN TRANSIT BETWEEN LOCATIONS DESCRIBED  
14 IN SUBDIVISION (A) THAT, UNLESS THE OBJECT IS CARRIED FOR A PURPOSE  
15 DESCRIBED IN SUBDIVISION (C), IS SECURELY ENCASED AND IS NOT  
16 READILY ACCESSIBLE FOR IMMEDIATE USE.

17 (C) AN OBJECT CARRIED FOR HUNTING, FISHING, OR TRAPPING  
18 PURPOSES OR FOR USE AS A TOOL IN THE COURSE OF THE PERSON'S  
19 OCCUPATION OR HOBBY, IF THAT HOBBY REASONABLY REQUIRES THE USE OF  
20 THAT OBJECT.

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

1 (3) A person who violates this section is guilty of a felony ~~7~~  
2 punishable by imprisonment for not more than 5 years ~~7~~ or ~~by~~ a fine  
3 of not more than \$2,500.00, **OR BOTH**.

4 (4) **AS USED IN THIS SECTION:**

5 (A) "READILY ACCESSIBLE FOR IMMEDIATE USE" MEANS AN OBJECT  
6 THAT IS CARRIED ON THE PERSON OR WITHIN CLOSE PROXIMITY TO THE  
7 PERSON AND IN A MANNER SO THAT IT CAN BE RETRIEVED AND USED AS  
8 EASILY AND QUICKLY AS IF CARRIED ON THE PERSON.

9 (B) "SECURELY ENCASED" MEANS THAT THE OBJECT IS FULLY ENCLOSED  
10 IN A SHEATH, POUCH, OR CASE OR THE OBJECT IS STORED IN A LOCKED OR  
11 UNLOCKED GLOVE COMPARTMENT.

12 Sec. 231. (1) Except as provided in subsection (2), sections  
13 224, 224a, 224b, 224d, 226a, 227, 227c, and 227d do not apply to  
14 any of the following:

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

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

24 (c) A person employed by a private vendor that operates a  
25 youth correctional facility authorized under section 20g of **THE**  
26 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.220g, who meets the  
27 same criteria established by the director of the ~~state~~ department

1 of corrections for departmental employees described in subdivision  
2 (b) and who is authorized in writing by the director of the  
3 department of corrections to carry a concealed weapon while in the  
4 official performance of his or her duties or while going to or  
5 returning from those duties.

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

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

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

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

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

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