

SENATE BILL No. 300

March 18, 2003, Introduced by Senators PATTERSON, SANBORN, GILBERT, STAMAS, ALLEN, KUIPERS, TOY, BIRKHOLZ, GOSCHKA, CASSIS, McMANUS and BISHOP and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227b. (1) A person who carries or has in his or her
 2 possession a firearm when he or she commits or attempts to commit
 3 a felony, except a violation of section 223, ~~section~~ 227, 227a,
 4 or 230, is guilty of a felony, and shall be imprisoned for ~~2~~ 5
 5 years. Upon a second conviction under this section, the person
 6 shall be imprisoned for ~~5~~ 10 years. Upon a third or subsequent
 7 conviction under this ~~subsection~~ **section**, the person shall be
 8 imprisoned for ~~10~~ 15 years.

9 (2) A term of imprisonment prescribed by this section is in
 10 addition to the sentence imposed for the conviction of the felony

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1 or the attempt to commit the felony, and shall be served
2 consecutively with and preceding any term of imprisonment imposed
3 for the conviction of the felony or attempt to commit the
4 felony.

5 (3) A term of imprisonment imposed under this section shall
6 not be suspended. The person subject to the sentence mandated by
7 this section is not eligible for parole or probation during the
8 mandatory term imposed ~~pursuant to~~ **under** subsection (1).

9 (4) This section does not apply to a law enforcement officer
10 who is authorized to carry a firearm while in the official
11 performance of his or her duties, and who is in the performance
12 of those duties. As used in this subsection, "law enforcement
13 officer" means a person who is regularly employed as a member of
14 a duly authorized police agency or other organization of the
15 United States, this state, or a city, county, township, or
16 village of this state, and who is responsible for the prevention
17 and detection of crime and the enforcement of the general
18 criminal laws of this state.