

## LAW COMMITTEE REPORT SPRING CONVENTION – 2016

### LIMITATIONS ON MEMBERS' RIGHTS TO CONCEAL CARRY IN OUR LODGES

The question arises from time to time regarding whether members who possess a Concealed Pistol License (“CPL”) are legally barred from bringing their firearm into our lodges. The answer to that question is “yes” for most of our members and most of our lodges. The answer is the same regardless if the CPL is issued by the State of Michigan or by another state whose laws may be more relaxed than Michigan’s. The only members who are permitted to carry weapons into our lodges are active peace officers, certified retired peace and correctional officers in good standing with active concealed weapon permits, judges, or employees of the Lodge. The statute does not require that the employee be “on duty” at the time, but the employee must have the permission of the Board of Directors of the Lodge to carry the concealed weapon. These limits apply in every lodge where the primary income derived by the lodge is from the sale of liquor by the glass. The law applies equally to pistols and electroshock guns.

The confusion sometimes arises because of an apparent conflict between Michigan Code of Laws §750.234d which generally states a person with a concealed weapon permit is allowed an exemption to carry it into establishments that are licensed under the Liquor Control Commission, and Michigan Compiled Laws §28.025(o) which in more specific detail prohibits a person from bringing a concealed weapon into any establishment that primarily derives its income from the sale of liquor by the glass. In other words, the concealed weapon can be carried into an establishment whose primary sales are food, or in a liquor store whose primary sales are bottled spirits, but not into a bar or lounge where the primary revenue is generated from sales of liquor by the glass. Thus, if a lodge generates more income from the sale of food than it does from the sale of liquor, the member can enter with a gun if that member has a concealed weapons permit. If the sale of liquor is the primary source of income, no member other than a law enforcement officer in good standing, a judge or an employee of the Lodge may enter with his/her concealed weapon.

The Lodge is permitted to post a sign in that provides this information to avoid any confusion with the members. However, the Lodge is not required to do so. It is within the Lodge’s discretion. The penalties to a person who violates the statute include immediate seizure of the weapon if the holder is carrying it concealed. Additionally, for a First offense the penalty is a Civil Infraction with a \$500 fine, and will result in the CPL permit being suspended for 6 months. A second offense is a misdemeanor punishable by a \$1000 fine, jail time of up to 90 days and revocation of the CPL permit. A third or subsequent offense is punishable as felony with up to a four year prison sentence, a fine of \$5000 and revocation of the CPL permit. It is of course important for any member with a CPL to keep in mind that even if he or she fits within one of the exceptions that allow them to carry in their Lodge, they are still subject to a .02 BAC tolerance while in the possession of their firearm.

Fraternally Yours,  
Paul E. Robinson, Esq.  
State Law Committee Chair