

# HOUSE BILL No. 6551

December 3, 2002, Introduced by Reps. Kowall and Vear and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

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

1       Sec. 479b. (1) An individual who takes a weapon other than  
2 a firearm from the lawful possession of a peace officer or a cor-  
3 rections officer is guilty of a felony punishable by imprisonment  
4 for not more than 4 years or a fine of not more than \$2,500.00,  
5 or both, if all of the following circumstances exist at the time  
6 the weapon is taken:

7           (a) The individual knows or has reason to believe the person  
8 from whom the weapon is taken is a peace officer or a corrections  
9 officer.

10          (b) The peace officer or corrections officer is performing  
11 his or her duties as a peace officer or a corrections officer.

1 (c) The individual takes the weapon without consent of the  
2 peace officer or corrections officer.

3 (d) The peace officer or corrections officer is authorized  
4 by his or her employer to carry the weapon in the line of duty.

5 (2) An individual who takes a firearm from the lawful pos-  
6 session of a peace officer or a corrections officer is guilty of  
7 a felony punishable by imprisonment for not more than 10 years or  
8 a fine of not more than \$5,000.00, or both, if all of the follow-  
9 ing circumstances exist at the time the firearm is taken:

10 (a) The individual knows or has reason to believe the person  
11 from whom the firearm is taken is a peace officer or a correc-  
12 tions officer.

13 (b) The peace officer or corrections officer is performing  
14 his or her duties as a peace officer or a corrections officer.

15 (c) The individual takes the firearm without the consent of  
16 the peace officer or corrections officer.

17 (d) The peace officer or corrections officer is authorized  
18 by his or her employer to carry the firearm in the line of duty.

19 (3) This section does not prohibit an individual from being  
20 charged with, convicted of, or punished for any other violation  
21 of law that is committed by that individual while violating this  
22 section.

23 (4) A term of imprisonment imposed for a violation of this  
24 section may run consecutively to any term of imprisonment imposed  
25 for another violation arising from the same transaction.

26 (5) As used in this section:

1 (a) "Corrections officer" means a prison or jail guard or  
2 other employee of a jail or a state or federal correctional  
3 facility, who performs duties involving the transportation, care,  
4 custody, or supervision of prisoners.

5 (b) "Peace officer" means 1 or more of the following:

6 (i) A police officer of this state or a political subdivi-  
7 sion of this state.

8 (ii) A police officer of any entity of the United States.

9 (iii) The sheriff of a county of this state or the sheriff's  
10 deputy.

11 (iv) A public safety officer of a college or university who  
12 is authorized by the governing board of that college or univer-  
13 sity to enforce state law and the rules and ordinances of that  
14 college or university.

15 (v) A conservation officer of the department of natural  
16 resources.

17 (vi) A conservation officer of the United States department  
18 of interior.

19 (vii) A PRIVATE SECURITY POLICE OFFICER EMPLOYED BY A HOSPI-  
20 TAL OR MEDICAL CENTER WHO IS AUTHORIZED BY LAW AND BY THE GOVERN-  
21 ING BOARD OF THAT HOSPITAL OR MEDICAL CENTER TO ENFORCE THE LAWS  
22 OF THIS STATE AND THE RULES OF THE HOSPITAL OR MEDICAL CENTER.