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House Bill 4013 (Substitute H-1 as reported without amendment)

Sponsor: Representative Richard LeBlanc

House Committee: Judiciary

Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to include reserve peace officers, auxiliary officers, and reserve officers among the peace officers who may possess and use a device that uses electro-muscular disruption (EMD) technology (often called a stun gun or Taser), in the performance of the officers' duties. The bill also would revise requirements regarding a device's identification and tracking system, to make an exception for launchable devices used by law enforcement agencies.

Subject to exceptions, the Code makes it a felony to possess, sell, or offer to sell a portable device or weapon from which an electrical current, impulse, wave, or beam that is designed to incapacitate temporarily, injury, or kill, may be directed.

This does not prohibit the possession and reasonable use of a device that uses EMD technology by certain individuals who have been trained in the use, effects, and risks of the device, and are using it while performing their official duties. These individuals include peace officers.

The bill would amend the definition of "peace officer" to include a reserve peace officer, auxiliary officer, or reserve officer, as those terms are defined in the handgun licensure law.

The Code requires a device that uses EMD technology to contain an identification and tracking system that, when the device is initially used, dispenses coded material traceable to the purchaser through records kept by the manufacturer, and requires the manufacturer to have a policy of providing that information to a police agency upon request. Under the bill, these requirements would not apply to a launchable device that was used only by law enforcement agencies.

MCL 750.224a

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. It is unknown how many reserve or auxiliary officers would purchase and use Tasers, lawfully or unlawfully, in the State.

Date Completed: 5-25-11

Fiscal Analyst: Matthew Grabowski