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House Bill 4013 (Substitute H-1 as passed by the House)
Sponsor: Representative Richard LeBlanc
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-23-11

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), in the performance of the officers' duties. The bill also would make an exception to the requirement that a device's manufacturer have a policy of providing identification and tracking information to a police agency.

Subject to exceptions, the Code prohibits a person from possessing, selling, or offering 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. A violation is a felony punishable by imprisonment for up to four years, a maximum fine of \$2,000, or both.

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 (i.e., an individual authorized on a voluntary or irregular basis by a duly authorized police agency or political subdivision of this State to act as a law enforcement officer, who is responsible for the preservation of the peace, the prevention and detection of crime, and the enforcement of the general criminal laws of the State, and who is otherwise eligible to possess a firearm under the 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. The Code also requires the manufacturer to have a policy of providing that information to a police agency upon its written request. Under the bill, that requirement would not apply to a launchable device that was used only by law enforcement agencies.

MCL 750.2224a

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.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.