

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXXVII

RIOTS AND UNLAWFUL ASSEMBLIES

750.521-750.522 Repealed. 1968, Act 302, Eff. July 1, 1968.

Compiler's note: The repealed sections pertained to riots and unlawful assemblies; duty of officials to disperse; arrest on failure to disperse.

750.523 Riots and unlawful assemblies; refusal to aid officer.

Sec. 523. Refusal to aid officer to disperse or arrest rioters—If any person present, being commanded by any of the magistrates or officers aforesaid, to aid and assist in seizing and securing such rioters, or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, shall refuse or neglect to obey such command, or when required by any such magistrate or officer to depart from the place of such riotous or unlawful assembly, shall refuse or neglect so to do, he shall be deemed to be 1 of the rioters or persons unlawfully assembled, and shall be liable to be prosecuted and punished accordingly.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.523.

Former law: See section 3 of Ch. 157 of R.S. 1846, being CL 1857, § 5849; CL 1871, § 7683; How., § 9266; CL 1897, § 11336; CL 1915, § 15003; and CL 1929, § 16600.

750.524 Riotous or unlawful assembly; neglecting or refusing to suppress assembly and arrest offenders; penalty.

Sec. 524. Any mayor, alderman, supervisor, president, trustee or member of a common council, sheriff, or deputy sheriff, having notice of any such riotous or tumultuous and unlawful assembly as is mentioned in this chapter, in the township, city, or village in which he or she lives, who shall neglect or refuse immediately to proceed to the place of such assembly, or as near as he or she can with safety, or shall omit or neglect to exercise the authority with which he or she is invested by this chapter, for suppressing such riotous or unlawful assembly, and for arresting and securing the offenders, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.524;—Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 4 of Ch. 157 of R.S. 1846, being CL 1857, § 5850; CL 1871, § 7684; How., § 9267; CL 1897, § 11337; CL 1915, § 15004; and CL 1929, § 16601.

750.525 Riots and unlawful assemblies; use of force to quell.

Sec. 525. Use of force to quell unlawful assemblies—If any persons, who shall be so riotously or unlawfully assembled, and who shall have been commanded to disperse, as before provided, shall refuse or neglect to disperse, without unnecessary delay, any 2 of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise, as may be necessary, and shall proceed in such manner as in their judgment shall be expedient, forthwith to disperse and suppress such unlawful, riotous or tumultuous assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.525.

Former law: See section 5 of Ch. 157 of R.S. 1846, being CL 1857, § 5851; CL 1871, § 7685; How., § 9268; CL 1897, § 11338; CL 1915, § 15005; and CL 1929, § 16602.

750.526 Riots and unlawful assemblies; armed force in dispersing to execute order of certain officials.

Sec. 526. Control of armed force—Whenever an armed force shall be called out in the manner provided by law for the purpose of suppressing any tumult or riot, or to disperse any body of men acting together by force, and with intent to commit any felony, or to offer violence to persons or property, or with intent, by force or violence, to resist or oppose the execution of the laws of this state, such armed force, when they shall arrive at the place of such unlawful, riotous or tumultuous assembly, shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of the said offenses, as they may have received from the governor, or from any judge of a court of record, or the sheriff of the county, any chief of police or his duly authorized representative, or any member of the Michigan state police, and also such further orders as they shall there receive from any 2 of the magistrates or officers mentioned in the first section of this chapter.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1941, Act 106, Eff. Jan. 10, 1942;—CL 1948, 750.526.

Former law: See section 6 of Ch. 157 of R.S. 1846, being CL 1857, § 5852; CL 1871, § 7686; How., § 9269; CL 1897, § 11339; CL 1915, § 15006; and CL 1929, § 16603.

750.527 Riots and unlawful assemblies; death ensuing from efforts to disperse.

Sec. 527. Death ensuing from efforts to disperse unlawful assemblies or riots—If, by reason of any of the efforts made by any 2 or more of the said magistrates or officers, or by their direction, to disperse such unlawful, riotous or tumultuous assembly, or to seize and secure the persons composing the same, who have refused to disperse though the number remaining may be less than 12, any such person, or any other person there present as spectators or otherwise, shall be killed or wounded, the said magistrates and officers and all persons assisting by their order, or under their direction, shall be held guiltless and fully justified in law; and if any of the said magistrates or officers, or any person acting by their order, or under their direction, shall be killed or wounded, all the persons so unlawfully, riotously or tumultuously assembled, and all other persons who, when commanded or required, shall have refused to aid or assist the said magistrates or officers, shall be held answerable therefor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.527.

Former law: See section 7 of Ch. 157 of R.S. 1846, being CL 1857, § 5853; CL 1871, § 7687; How., § 9270; CL 1897, § 11340; CL 1915, § 15007; and CL 1929, § 16604.

750.528 Riots and unlawful assemblies; destroying dwelling house or other property.

Sec. 528. Riotously destroying dwelling house or other property—Any of the persons so unlawfully assembled, who shall demolish, pull down, destroy or injure, or who shall begin to demolish, pull down, destroy or injure any dwelling house or any other building, or any ship or vessel, shall be guilty of a felony, and shall be answerable to any person injured, to the full amount of the damage, in an action of trespass.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.528.

Former law: See section 8 of Ch. 157 of R.S. 1846, being CL 1857, § 5854; CL 1871, § 7688; How., § 9271; CL 1897, § 11341; CL 1915, § 15008; and CL 1929, § 16605.

750.528a Definitions; firearm or explosive or incendiary device; teaching or demonstrating use, application, or construction in furtherance of civil disorder; unlawful assembly; exception; violation as felony.

Sec. 528a. (1) As used in this section:

(a) "Civil disorder" means any public disturbance involving the use of any firearm, explosive, or incendiary device by 3 or more assembled persons that causes an immediate danger to, or that results in damage or injury to, any property or person.

(b) "Explosive or incendiary device" means:

(i) Dynamite, gunpowder, or other similarly explosive substance.

(ii) Any bomb, grenade, missile, or similar device designed to expand suddenly and release internal energy resulting in an explosion.

(iii) Any incendiary bomb or grenade, fire bomb, or similar device designed to ignite, including any device that consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material that, if ignited, is capable of igniting the flammable liquid or compound; and that may be carried or thrown by a person.

(c) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

(d) "Law enforcement officer" means any of the following:

(i) A sheriff or sheriff's deputy, a village marshal or township constable, an officer of the police department of any city, village, or township, an officer of the Michigan state police, or a peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(ii) Any officer or employee of the United States, its possessions, or territories who is authorized to enforce the laws of the United States, its possessions, or its territories.

(iii) Any member of the National Guard, coast guard, military reserve, or the armed forces of the United States when acting in his or her official capacity.

(2) A person shall not teach or demonstrate to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if that person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder.

(3) A person shall not assemble with 1 or more persons for the purpose of training with, practicing with, or

being instructed in the use of any firearm, or any explosive or incendiary device, if that person intends to use that firearm or device in, or in furtherance of, a civil disorder.

(4) This section does not apply to any act of a law enforcement officer that is performed in the lawful performance of his or her official duties as a law enforcement officer, or any activity of any hunting club, rifle club, rifle range, pistol range, shooting range, or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sports, self-defense, or other lawful activities.

(5) A person who violates this section is guilty of a felony.

History: Add. 1986, Act 113, Eff. Mar. 31, 1987;—Am. 2015, Act 26, Eff. July 1, 2015;—Am. 2016, Act 297, Eff. Jan. 2, 2017.