

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.479b Taking of firearm or other weapon from peace officer or corrections officer; penalty; commission of other violation; consecutive terms of imprisonment; definitions.

Sec. 479b.

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

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

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

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

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

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

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

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

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

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

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

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

(5) As used in this section:

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

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

(i) A police officer of this state or a political subdivision of this state.

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

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

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

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

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

History: Add. 1994, Act 33, Eff. June 1, 1994