

# Legislative Analysis



## ALLOW STUN GUNS

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<http://www.house.mi.gov/hfa>

**House Bill 4020 as introduced**  
**Sponsor: Rep. Michele Hoytenga**  
**Committee: Judiciary**  
**Complete to 12-2-19**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4020 would amend the Michigan Penal Code to allow the sale, possession, and reasonable use of a stun gun by a person who is at least 21 years of age.

In general, the Penal Code prohibits the sale, offer of sale, or possession of a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed that is designed to incapacitate temporarily, injure, or kill. In effect, the prohibition bans the sale, possession, or use of a stun gun. However, the act does allow peace officers, corrections officers, and certain court employees, among others, to possess and use a Taser while performing official duties if they have received training in the use, effects, and risks of the device. Individuals who hold a license to carry a concealed pistol may also possess and reasonably use a Taser if they are trained in the use, effects, and risks of the device.

The bill would amend the act to allow the possession and reasonable use of a *stun gun* by an individual 21 years of age or older. In addition, a provision that allows a manufacturer, authorized importer, or authorized dealer to demonstrate, offer or hold for sale, sell, give, lend, or deliver a Taser to a person authorized in statute to possess such a device would be amended to also apply to a stun gun.

*Stun gun* would be defined as a device that is capable of creating an electro-muscular disruption and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing an individual by the direction or emission of conducted energy. The term would not include a launchable device.

Currently, an individual who uses a Taser against another individual except under circumstances that would justify the lawful use of physical force is guilty of a misdemeanor punishable for up to two years and/or a fine of up to \$2,000. The bill would apply the penalty also to an individual authorized to possess and reasonably use a stun gun. In addition, the act currently makes a violation of the general prohibition against the sale or possession of a device that uses an electric current to incapacitate another person a felony punishable by imprisonment for up to four years or a fine of up to \$2,000, or both. The penalty would still apply to selling or possessing a stun gun in violation of the bill.

MCL 750.224a

## **BACKGROUND INFORMATION:**

Though the terms *Taser* and *stun gun* are often used interchangeably, they are different types of self-defense devices.

A Taser, which is manufactured solely by Axon (formerly Taser International), temporarily incapacitates a target by disrupting the signals between the brain and muscles, can be used at a distance of up to 15 feet for a civilian model (30 feet for law enforcement models), shoots two prongs as projectiles, releases tags that identify the unit, and can be used as a stun gun after the projectiles are released.

A stun gun, by comparison, primarily utilizes pain to disrupt muscle control and disable a target, requires physical contact (for some models, contact with skin), and may require up to three to five seconds of continuous contact in order to disable a target.

Both types of devices are intended to be used for self-defense and are considered to be nonlethal. However, when used on a target with certain underlying medical conditions or used improperly (e.g., the target is standing in water or on a ledge), the use of Tasers has resulted in death.

## **FISCAL IMPACT:**

The fiscal impact of the bill would depend on two things: 1) the number of people who would no longer be convicted of a felony under provisions of the bill that allow possession and reasonable use of a stun gun, resulting in reduced costs for the state and for local units of government and reduced penal fine revenue, and 2) the number of people who would be convicted of a two-year misdemeanor under provisions of the bill that prohibit use of a stun gun when such force is not justified, resulting in increased costs for the state and for local units of government and increased penal fine revenue. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Increased or reduced penal fine revenue would affect funding for local libraries, which are the constitutionally designated recipients of those revenues.

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