



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 1328 (as reported by the Committee of the Whole)  
Sponsor: Senator Alan L. Cropsey  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to allow a local corrections officer authorized by the county sheriff to possess and reasonably use a device that used electro-muscular disruption (EMD) technology, while performing his or her official duties. The bill also would define "peace officer" for purposes of possession and use of an EMD device.

The Penal Code prohibits the sale or possession of a portable device or weapon from which an electrical current, impulse, wave, or beam designed to incapacitate temporarily, injure, or kill, may be directed. That provision, however, does not prohibit the possession and reasonable use of an EMD device by a peace officer, a Department of Corrections (DOC) employee authorized in writing by the DOC Director, a probation officer, a court officer, a bail agent authorized under the Code, a licensed private investigator, or an aircraft pilot or aircraft crew member, who has been trained in the use, effects, and risks of the device, while performing his or her official duties. The bill would add a local corrections officer authorized in writing by the county sheriff to the list of people who may possess and reasonably use an EMD device. ("Local corrections officer would mean that term as defined in the Local Corrections Officers Training Act (MCL 791.532).")

In addition, the bill would define "peace officer" as a police officer or public safety officer of the State or a political subdivision of the State, including motor carrier officers and Capitol security personnel; a sheriff or sheriff's deputy; a junior college, college, or university police or public safety officer who is authorized by the institution's governing board to enforce State law and the school's rules and ordinances; a township constable; a city, village, or township marshal; a State conservation officer; a law enforcement officer of another state, a political subdivision of another state, or a junior college, college, or university of another state, substantially corresponding to a law enforcement officer in Michigan; or a Federal law enforcement officer.

MCL 750.224a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 7-1-04

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