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BILL ANALYSIS

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House Bill 5435 (Substitute H-2 as passed by the House)

Sponsor: Representative Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 11-27-06

CONTENT

The bill would amend the Michigan Penal Code to allow either of the following to possess and reasonably use a device that used electro-muscular disruption (EMD) technology (commonly referred to as "stun guns" or "tasers"), if he or she had been trained in the use, effects, and risks of the device and were using it while performing his or her official duties:

- An individual, employed by a local unit of government that used a jail or lockup facility, who had custody of people detained or incarcerated in the jail or lockup facility and who was authorized in writing by the chief of police, director of public safety, or sheriff to possess and use the EMD device.
- An individual employed as a "private security police" officer.

The Code bans the sale and use of a portable device or weapon from which an electrical current, impulse, wave, or beam, that is designed to incapacitate temporarily, injure, or kill, may be directed. The prohibition does not apply to the possession and reasonable use of an EMD device by certain individuals, including police officers, authorized Department of Corrections employees, and authorized local corrections officers who have been trained in the use and risks of the device, while performing their official duties. The bill would include the individuals described above in the list of people to whom the ban does not apply.

"Private security police" would mean that term as defined in the Private Security Business and Security Alarm Act, i.e., that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization

MCL 750.224a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the ability to use EMDs would result in fewer injuries to individuals held or employed at local lockup facilities, and this led to fewer lawsuits, local units of government would incur decreased costs.

Fiscal Analyst: Lindsay Hollander

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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.