



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5153 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Representative Leslie Mortimer
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would create a new act to provide that an individual who used deadly force or force other than deadly force in compliance with Section 2 of the Self-Defense Act (proposed by House Bill 5143) and who was not committing a crime at the time he or she used that force, would commit no crime in using that deadly force or force other than deadly force.

If a prosecutor believed that an individual used deadly or nondeadly force that was unjustified under Section 2 of the Self-Defense Act, the prosecutor could charge the individual with a crime arising from the use of force and would have to present evidence to the judge or magistrate, at the time a warrant was issued, at the time of any preliminary examination, and at the time of any trial, that established that the individual's actions were not justified under Section 2.

(Section 2 of the proposed Self-Defense Act would allow an individual who was not committing a crime to use deadly force anywhere he or she had a right to be, with no duty to retreat, if he or she honestly and reasonably believed that the use of deadly force was necessary to prevent imminent death, great bodily harm, or sexual assault. It also would allow a person to use force other than deadly force anywhere he or she had a right to be, with no duty to retreat, if he or she honestly and reasonably believed that the use of force was necessary to defend against the imminent unlawful use of force by another individual.)

The bill would take effect on October 1, 2006, and is tie-barred to Senate Bills 1046 and 1185 and House Bills 5142, 5143, and 5548.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many individuals have been convicted of crimes for using defensive force. Florida, Indiana, Georgia, Alabama, Arizona, and other states have enacted similar legislation, but too recently to determine if there was any fiscal impact. To the extent that the bills would provide criminal immunity not already defined in law for individuals who use defensive force, these individuals would avoid conviction. State and local governments would incur reduced incarceration costs.

Date Completed: 6-6-06

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.