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BILL ANALYSIS

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Senate Bill 519 (as introduced 5-22-07)
Sponsor: Senator Jud Gilbert, II
Committee: Judiciary

Date Completed: 5-19-08

CONTENT

The bill would amend the Michigan Penal Code to allow the possession and reasonable use of a device that uses electro-muscular disruption technology by a reserve peace officer who had been trained in the use, effects, and risks of the device, and was using it while performing his or her official duties.

The Code prohibits a person from selling, offering for sale, or possessing in Michigan a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed to incapacitate temporarily, injure, or kill. A violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. The prohibition, however, does not apply to the possession and reasonable use of a device that uses electro-muscular disruption technology by certain individuals, including peace officers, if they have been trained in the use, effects, and risks of the device, and are using it while performing their official duties. The bill would include a reserve peace officer (as defined in the handgun licensure Act) in the definition of "peace officer".

Under the handgun licensure Act, "reserve peace officer" means an individual authorized on a voluntary or irregular basis by a duly authorized police agency of this State or a political subdivision of this State to act as a law enforcement officer, who is responsible for the preservation of the peace, the prevention and detection of crime, and the enforcement of the general criminal laws of this State, and who is otherwise eligible to possess a firearm under the Act.

MCL 750.224a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many reserve peace officers, absent this legislation, will be convicted of possessing and using a device that uses electro-muscular disruption technology. If reserve peace officers were exempt from the prohibition, local governments would avoid the costs of incarceration in local facilities, which vary by county. The State would avoid the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Reduced penal fine revenue would affect public libraries.

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.