

HOUSE BILL NO. 4315

March 12, 2019, Introduced by Reps. Mueller, LaGrand, Berman, Sabo, Green, Frederick and Jones and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479b. (1) An individual who takes a weapon other than a
2 firearm from the lawful possession of a peace officer or a
3 corrections officer is guilty of a felony punishable by
4 imprisonment for not more than 4 years or a fine of not more than



1 \$2,500.00, or both, if all of the following circumstances exist at
2 the time the weapon is taken:

3 (a) The individual knows or has reason to believe the person
4 from whom the weapon is taken is a peace officer or a corrections
5 officer.

6 (b) The peace officer or corrections officer is performing his
7 or her duties as a peace officer or a corrections officer.

8 (c) The individual takes the weapon without consent of the
9 peace officer or corrections officer.

10 (d) The peace officer or corrections officer is authorized by
11 his or her employer to carry the weapon in the line of duty.

12 (2) ~~An~~ **Except as otherwise provided in subsections (3) and**
13 **(4), an** individual who takes a firearm from the lawful possession
14 of a peace officer or a corrections officer is guilty of a felony
15 punishable by imprisonment for not more than 10 years or a fine of
16 not more than \$5,000.00, or both, if all of the following
17 circumstances exist at the time the firearm is taken:

18 (a) The individual knows or has reason to believe the person
19 from whom the firearm is taken is a peace officer or a corrections
20 officer.

21 (b) The peace officer or corrections officer is performing his
22 or her duties as a peace officer or a corrections officer.

23 (c) The individual takes the firearm without the consent of
24 the peace officer or corrections officer.

25 (d) The peace officer or corrections officer is authorized by
26 his or her employer to carry the firearm in the line of duty.

27 **(3) An individual who attempts to take a firearm from the**
28 **lawful possession of a peace officer or a corrections officer is**
29 **guilty of a felony punishable by imprisonment for not more than 10**

1 years or a fine of not more than \$5,000.00, or both, if all of the
2 following circumstances exist at the time the firearm is taken:

3 (a) The individual knows or has reason to believe the person
4 from whom the firearm is taken is a peace officer or a corrections
5 officer.

6 (b) The peace officer or corrections officer is performing his
7 or her duties as a peace officer or a corrections officer.

8 (c) The individual takes the firearm without the consent of
9 the peace officer or corrections officer.

10 (d) The peace officer or corrections officer is authorized by
11 his or her employer to carry the firearm in the line of duty.

12 (e) The individual uses force or violence in attempting to
13 take the firearm or causes the peace officer or corrections officer
14 to become incapacitated when he or she attempts to take the
15 firearm.

16 (4) An individual who takes a firearm from the lawful
17 possession of a peace officer or a corrections officer is guilty of
18 a felony punishable by imprisonment for not more than 20 years or a
19 fine of not more than \$5,000.00, or both, if all of the following
20 circumstances exist at the time the firearm is taken:

21 (a) The individual knows or has reason to believe the person
22 from whom the firearm is taken is a peace officer or a corrections
23 officer.

24 (b) The peace officer or corrections officer is performing his
25 or her duties as a peace officer or a corrections officer.

26 (c) The individual takes the firearm without the consent of
27 the peace officer or corrections officer.

28 (d) The peace officer or corrections officer is authorized by
29 his or her employer to carry the firearm in the line of duty.



1 (e) The individual uses force or violence in attempting to
2 take the firearm or causes the peace officer or corrections officer
3 to become incapacitated when he or she attempts to take the
4 firearm.

5 (5) ~~(3)~~—This section does not prohibit an individual from
6 being charged with, convicted of, or punished for any other
7 violation of law that is committed by that individual while
8 violating this section.

9 (6) ~~(4)~~—**Subject to subsection (7),** a term of imprisonment
10 imposed for a violation of this section may run consecutively to
11 any term of imprisonment imposed for another violation arising from
12 the same transaction.

13 (7) **A term of imprisonment imposed under subsection (3) or (4)**
14 **must be served consecutively with and preceding any term of**
15 **imprisonment imposed for another violation arising from the same**
16 **transaction if the peace officer is incapacitated or suffers an**
17 **injury requiring medical attention as a result of the violation.**

18 (8) ~~(5)~~—As used in this section:

19 (a) "Corrections officer" means a prison or jail guard or
20 other employee of a jail or a state or federal correctional
21 facility, who performs duties involving the transportation, care,
22 custody, or supervision of prisoners.

23 (b) "Peace officer" means 1 or more of the following:

24 (i) A police officer of this state or a political subdivision
25 of this state.

26 (ii) A police officer of any entity of the United States.

27 (iii) The sheriff of a county of this state or the sheriff's
28 deputy.

29 (iv) A public safety officer of a college or university who is



1 authorized by the governing board of that college or university to
2 enforce state law and the rules and ordinances of that college or
3 university.

4 (v) A conservation officer of the department of natural
5 resources.

6 (vi) A conservation officer of the United States ~~department of~~
7 ~~interior.~~ **Department of the Interior.**

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

