

ALLOW STUN GUNS

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House Bill 4029 as introduced
Sponsor: Rep. Michele Hoitenga
Committee: Military, Veterans and Homeland Security
Complete to 3-1-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4029 would amend the Michigan Penal Code to allow the possession and reasonable use of a stun gun by a person who is 18 years of age or older and to allow the sale of a stun gun to a person authorized to possess it.

The Michigan Penal Code generally prohibits the sale, offer for sale, or possession of a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed that is designed to incapacitate temporarily, injure, or kill. However, peace officers, corrections officers, and certain court employees, among others, may possess and use a Taser while performing their official duties if they have received training in the use, effects, and risks of the device. Individuals who hold a license to carry a concealed pistol may also possess and reasonably use a Taser if they are trained in its use, effects, and risks.

The bill would allow the possession and reasonable use of a *stun device* by an individual who is 18 years of age or older. In addition, a provision that now allows a manufacturer, authorized importer, or authorized dealer to demonstrate, offer or hold for sale, sell, give, lend, or deliver a Taser to a person authorized by law to possess such a device would be amended to also apply to a stun device.

Stun device would mean a device from which an electrical current is designed to immobilize an individual temporarily through the contact of the device held against an individual. The term would not include a launchable device.

Currently, an individual authorized to possess and reasonably use a Taser who uses it against another individual, except under circumstances that would justify the individual's lawful use of physical force, is guilty of a misdemeanor punishable for up to two years or a fine of up to \$2,000, or both. The bill would also apply that penalty to the improper use of a stun device.

In addition, the act currently makes a violation of the general prohibition against the sale or possession of a device that uses an electric current to incapacitate another person a felony punishable by imprisonment for up to four years or a fine of up to \$2,000, or both. Under the bill, that penalty would still apply to selling or possessing a stun device in violation of the act.

MCL 750.224a

BACKGROUND:

Although the terms *stun gun* and *Taser* are often used interchangeably, they are different types of self-defense device.

A stun gun primarily utilizes pain to disable a target, requires physical contact (for some models, contact with skin), and may require up to three to five seconds of continuous contact in order to disrupt muscle control and disable a target.

By contrast, a Taser temporarily incapacitates a target by disrupting the signals between the brain and muscles, shoots two prongs as projectiles, can be used at a distance of up to 15 feet for a civilian model (30 feet for law enforcement models), and releases tags that identify the unit. It can be used as a stun gun after the projectiles are released. Tasers are manufactured solely by Axon (formerly Taser International).

FISCAL IMPACT:

House Bill 4029 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on two things: 1) the number of people who would no longer be convicted of a felony under provisions of the bill that allow possession and reasonable use of a stun gun, and 2) the number of people who would be convicted of a two-year misdemeanor under provisions of the bill that prohibit use of a stun gun when such force is not justified. Fewer felony convictions would result in reduced costs for the state and for local units of government, while an increase in the number of misdemeanor convictions would result in increased costs for the state and for local units of government. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly \$42,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Any change in penal fine revenues would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

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