

# SENATE BILL No. 200

March 19, 1991, Introduced by Senator VAUGHN and referred to the Committee on Judiciary.

A bill to prescribe the powers and duties of certain public officers and employees regarding the use of deadly force.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Corrections center" means a community corrections  
3 center, halfway house, or resident home that houses prisoners.

4       (b) "Custody" means either of the following:

5       (i) Confinement in a detention facility.

6       (ii) Detention by a law enforcement officer after arraigh-  
7 ment before a magistrate or the taking of a person to a detention  
8 facility, whichever occurs earlier.

9       (c) "Detention facility" means a facility, other than a cor-  
10 rections center, used to confine, even temporarily, persons  
11 arrested for or convicted of criminal offenses.

1 (d) "Law enforcement officer" means an officer or employee  
2 of the state or a local governmental unit who, in his or her  
3 capacity as an officer or employee, is vested by law with author-  
4 ity to maintain public order; to make arrests for crimes, whether  
5 that authority extends to all crimes or is limited to specific  
6 crimes; or to prevent an escape from custody.

7 Sec. 2. Except as expressly authorized in this act, a law  
8 enforcement officer, while functioning in his or her capacity as  
9 a law enforcement officer, may not use deadly force against  
10 another person.

11 Sec. 3. A law enforcement officer, while functioning in his  
12 or her capacity as a law enforcement officer, may use deadly  
13 force against another person if the officer honestly believes  
14 that he or she or a third person is in danger of being killed or  
15 of receiving serious bodily harm and that deadly force is neces-  
16 sary to defend against that danger.

17 Sec. 4. A law enforcement officer, while functioning in his  
18 or her capacity as a law enforcement officer, may use deadly  
19 force against another person to effect the arrest of a person, or  
20 to prevent the fleeing or escape of a person incidental to the  
21 effecting of an arrest, if all of the following circumstances  
22 exist:

23 (a) The officer reasonably believes that the person has  
24 engaged in life threatening conduct.

25 (b) The use of deadly force by the officer does not create a  
26 substantial risk of injury to persons not involved in the alleged  
27 life threatening conduct.

1 (c) Either of the following applies:

2 (i) The officer reasonably believes that other reasonable  
3 efforts to effect the arrest have failed, are reasonably likely  
4 to fail, or would be unreasonably dangerous.

5 (ii) A substantial risk exists that, if the person's appre-  
6 hension is delayed, the person will cause serious injury or death  
7 to another person.

8 Sec. 5. (1) A law enforcement officer, while functioning in  
9 his or her capacity as a law enforcement officer, may use deadly  
10 force against another person to prevent the person's escape from  
11 custody, if the officer reasonably believes that other reasonable  
12 efforts to prevent the escape have failed, are reasonably likely  
13 to fail, or would be unreasonably dangerous.

14 (2) A law enforcement officer, while functioning in his or  
15 her capacity as a law enforcement officer, may use deadly force  
16 against another person to prevent the person's escape from a cor-  
17 rections center, if both of the following circumstances exist:

18 (a) The officer reasonably believes that other reasonable  
19 efforts to prevent the escape have failed, are reasonably likely  
20 to fail, or would be unreasonably dangerous.

21 (b) The officer reasonably believes that the person was  
22 assigned to the corrections center because of a conviction for an  
23 offense involving life threatening conduct.

24 Sec. 6. If a basis for the use of deadly force does not  
25 exist under section 4, a law enforcement officer, while function-  
26 ing in his or her capacity as a law enforcement officer, may use

1 deadly force to apprehend a person who has escaped from custody  
2 if all of the following circumstances exist:

3 (a) The officer reasonably believes that the person was in  
4 custody under a charge involving life threatening conduct or con-  
5 viction for an offense involving life threatening conduct.

6 (b) The use of deadly force by the officer does not create a  
7 substantial risk of injury to persons not involved in preventing  
8 the apprehension of the person.

9 (c) Either of the following applies:

10 (i) The officer reasonably believes that other reasonable  
11 efforts to apprehend the person have failed, are reasonably  
12 likely to fail, or would be unreasonably dangerous.

13 (ii) A substantial risk exists that, if the person's appre-  
14 hension is delayed, the person will cause serious injury or death  
15 to another person.

16 Sec. 7. This act does not alter the law with respect to the  
17 use of deadly force by a private person in self-defense, in  
18 defense of others, to prevent a crime, to effect an arrest, or to  
19 prevent an escape from custody.