

**EXPAND POSSESSION AND USE OF
STUN GUNS**

House Bill 6028
Sponsor: Rep. Mickey Mortimer
Committee: Criminal Justice

Complete to 12-2-02

A SUMMARY OF HOUSE BILL 6028 AS INTRODUCED 5-8-02

Current law prohibits selling, offering for sale, or possessing a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed (e.g., stun gun or taser) and which is designed to incapacitate temporarily, injure, or kill. However, the penal code does not prohibit delivery to or possession by the Department of State Police (DSP) or any agency or laboratory with prior written approval, and conditions established by, the director of the department for the purpose of testing a stun gun. The bill would amend the Michigan Penal Code to eliminate this latter provision and replace it with a provision expanding the allowable use of such devices or weapons.

Under the bill, the reasonable use of a device that used electro-muscular disruption technology would not be prohibited for a peace officer, corrections officer, court officer, bail agent, licensed private investigator, security guard, aircraft pilot, or aircraft crew member in the performance of his or her official duties. Such a device could also be used by a person protecting himself or herself or another person or protecting property, under circumstances that justify the person's use of physical force. Delivering a stun gun to any governmental agency or to a laboratory for testing would also be allowed with the prior written approval of the governmental agency or law enforcement agency and under conditions that had been determined to be appropriate by that agency.

A person would be prohibited from selling or otherwise distributing a device that uses electro-muscular disruption technology to an individual less than 18 years of age. A violation of the bill would be a felony punishable by imprisonment for not more than four years or a fine of not more than \$2,000, or both. "A device that uses electro-muscular disruption technology" would mean a device to which all of the following apply:

- The device is capable of creating an electro-muscular disruption and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy.
- The device contains an identification and tracking system that, when the device is initially used, dispenses coded material traceable to the purchaser through records kept by the manufacturer.

- The manufacturer of the device has a policy of providing the identification and tracking information described in the bill to a police agency upon written request by that agency.

MCL 750.224a

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.