

SUBSTITUTE FOR
HOUSE BILL NO. 6028

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 224a (MCL 750.224a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 224a. (1) ~~—A—~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, A person shall not sell, offer for sale, or possess in
3 this state a portable device or weapon from which an electrical
4 current, impulse, wave, or beam may be directed, which current,
5 impulse, wave, or beam is designed to incapacitate temporarily,
6 injure, or kill.
7 (2) This section ~~—shall—~~ DOES not prohibit ~~—delivery to or~~
8 ~~possession by the department of state police or any agency or~~
9 ~~laboratory with prior written approval of, and on conditions~~
10 ~~established by, the director of the department of state police~~

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Sub. HB 6028 (H-1) as amended December 4, 2002 2

1 ~~for the purpose of testing such a device or weapon.~~ ANY OF THE
2 FOLLOWING:

3 (A) THE POSSESSION AND REASONABLE USE OF A DEVICE THAT USES
4 ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY BY A PEACE OFFICER, COR-
5 RECTIONS OFFICER AUTHORIZED IN WRITING BY THE DIRECTOR OF THE
6 DEPARTMENT OF CORRECTIONS, PROBATION OFFICER, COURT OFFICER, BAIL
7 AGENT, LICENSED PRIVATE INVESTIGATOR, AIRCRAFT PILOT, OR AIRCRAFT
8 CREW MEMBER, WHO HAS BEEN TRAINED IN THE USE, EFFECTS, AND RISKS
9 OF THE DEVICE, WHILE PERFORMING HIS OR HER OFFICIAL DUTIES.

10 (B) POSSESSION SOLELY FOR THE PURPOSE OF DELIVERING A DEVICE
11 DESCRIBED IN SUBSECTION (1) TO ANY GOVERNMENTAL AGENCY OR TO A
12 LABORATORY FOR TESTING, WITH THE PRIOR WRITTEN APPROVAL OF THE
13 GOVERNMENTAL AGENCY OR LAW ENFORCEMENT AGENCY AND UNDER CONDI-
14 TIONS DETERMINED TO BE APPROPRIATE BY THAT AGENCY [, AND POSSESSION BY
THE RECEIVING GOVERNMENTAL AGENCY OR LABORATORY FOR THE PURPOSE OF
TESTING].

15 (3) A MANUFACTURER, AUTHORIZED IMPORTER, OR AUTHORIZED
16 DEALER MAY DEMONSTRATE, OFFER FOR SALE, HOLD FOR SALE, SELL,
17 GIVE, LEND, OR DELIVER AN ELECTRO-MUSCULAR DISRUPTION DEVICE TO A
18 PERSON AUTHORIZED TO POSSESS AN ELECTRO-MUSCULAR DISRUPTION
19 DEVICE AND MAY POSSESS AN ELECTRO-MUSCULAR DISRUPTION DEVICE FOR
20 ANY OF THOSE PURPOSES.

21 (4) ~~-(3)-~~ A person who violates this section is guilty of a
22 felony PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
23 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

24 (5) AS USED IN THIS SECTION, "A DEVICE THAT USES
25 ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY" MEANS A DEVICE TO WHICH
26 ALL OF THE FOLLOWING APPLY:

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1 (A) THE DEVICE IS CAPABLE OF CREATING AN ELECTRO-MUSCULAR
2 DISRUPTION AND IS USED OR INTENDED TO BE USED AS A DEFENSIVE
3 DEVICE CAPABLE OF TEMPORARILY INCAPACITATING OR IMMOBILIZING A
4 PERSON BY THE DIRECTION OR EMISSION OF CONDUCTED ENERGY.

5 (B) THE DEVICE CONTAINS AN IDENTIFICATION AND TRACKING
6 SYSTEM THAT, WHEN THE DEVICE IS INITIALLY USED, DISPENSES CODED
7 MATERIAL TRACEABLE TO THE PURCHASER THROUGH RECORDS KEPT BY THE
8 MANUFACTURER.

9 (C) THE MANUFACTURER OF THE DEVICE HAS A POLICY OF PROVIDING
10 THE IDENTIFICATION AND TRACKING INFORMATION DESCRIBED IN
11 SUBDIVISION (B) TO A POLICE AGENCY UPON WRITTEN REQUEST BY THAT
12 AGENCY.