

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 6028

(As amended by the Senate, December 13, 2002)

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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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, AN EMPLOYEE
5 OF THE DEPARTMENT OF CORRECTIONS AUTHORIZED IN WRITING BY THE DIRECTOR OF
6 THE DEPARTMENT OF CORRECTIONS, PROBATION OFFICER, COURT OFFICER, BAIL
7 AGENT AUTHORIZED UNDER SECTION 167B, LICENSED PRIVATE INVESTIGA-
8 TOR, AIRCRAFT PILOT, OR AIRCRAFT CREW MEMBER, WHO HAS BEEN
9 TRAINED IN THE USE, EFFECTS, AND RISKS OF THE DEVICE, WHILE PER-
10 FORMING HIS OR HER OFFICIAL DUTIES.

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

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

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

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

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

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

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