

# HOUSE BILL No. 6028

May 8, 2002, Introduced by Rep. Mortimer and referred to the Committee on Criminal Justice.

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~~

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

3 (A) THE REASONABLE USE OF A DEVICE THAT USES  
4 ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY BY A PEACE OFFICER, COR-  
5 RECTIONS OFFICER, COURT OFFICER, BAIL AGENT, LICENSED PRIVATE  
6 INVESTIGATOR, SECURITY GUARD, AIRCRAFT PILOT, OR AIRCRAFT CREW  
7 MEMBER, WHILE PERFORMING HIS OR HER OFFICIAL DUTIES.

8 (B) THE REASONABLE USE OF A DEVICE THAT USES  
9 ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY BY A PERSON PROTECTING  
10 HIMSELF OR HERSELF OR ANOTHER PERSON OR PROTECTING PROPERTY,  
11 UNDER CIRCUMSTANCES THAT JUSTIFY THE PERSON'S USE OF PHYSICAL  
12 FORCE.

13 (C) DELIVERING A DEVICE DESCRIBED IN SUBSECTION (1) TO ANY  
14 GOVERNMENTAL AGENCY OR TO A LABORATORY FOR TESTING, WITH THE  
15 PRIOR WRITTEN APPROVAL OF THE GOVERNMENTAL AGENCY OR LAW ENFORCE-  
16 MENT AGENCY AND UNDER CONDITIONS DETERMINED TO BE APPROPRIATE BY  
17 THAT AGENCY.

18 (3) A PERSON SHALL NOT SELL OR OTHERWISE DISTRIBUTE A DEVICE  
19 THAT USES ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY TO AN INDIVIDUAL  
20 LESS THAN 18 YEARS OF AGE.

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:

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.