

Legislative Analysis



EXPAND ALLOWABLE USE OF PEPPER SPRAY

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House Bill 4861

Sponsor: Rep. Richard Ball

Committee: Judiciary

Complete to 6-13-06

A SUMMARY OF HOUSE BILL 4861 AS INTRODUCED 6-2-05

The Michigan Penal Code authorizes the use of self-defense sprays containing oleoresin capsicum (pepper spray) by law enforcement officers in the performance of their duties and by members of the public in the protection of a person or property under circumstances which would justify using physical force. House Bill 4861 would make the following revisions to these provisions:

- Extend the provisions that currently apply to the use of self-defense *spray* devices to self-defense *foam* devices.
- Revise the definition of a self-defense spray or foam device to include a device capable of releasing a solution containing 10 percent, instead of 2 percent, oleoresin capsicum.
- Restrict the use of a self-defense spray or foam device by law enforcement officers or the public in protecting persons or property to devices containing not more than 2 percent oleoresin capsicum.
- Allow the reasonable use of a self-device spray or foam device containing not more than 10 percent oleoresin capsicum by a person in the employ of a county sheriff or chief of police and who had written authorization from his or her employer to carry and use, while in the performance of his or her duties, a self-defense spray or foam device.

MCL 750.224 and 750.244d)

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on state and local units of government.

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