

Legislative Analysis



INTENTIONALLY POINTING AND/OR DISCHARGING WEAPON WITHOUT MALICE: EXEMPT PEACE OFFICER FROM PROSECUTION

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House Bill 5270

Sponsor: Rep. Rick Jones

Committee: Judiciary

Complete to 12-5-05

A SUMMARY OF HOUSE BILL 5270 AS INTRODUCED 10-6-05

The bill would amend the Michigan Penal Code (MCL 750.233) to clarify that provisions prohibiting intentionally aiming a firearm or discharging the firearm at another person, but without malice, does not apply to peace officers when done in the performance of their duties as peace officers. The bill would also define "peace officer" and make numerous editorial changes to update language. More specifically, the bill would:

- Place the penalty for aiming a firearm at another within the provision instead of the crime being an unspecified misdemeanor.
- Allow the punishment for discharging a firearm – whether or not the other person sustained injuries – to include both a fine and imprisonment. Currently the punishment is either a fine or imprisonment.
- Specify that the various provisions do not apply to a state or local peace officer (including from other states) or federal peace officer while in the performance of his or her duties as a peace officer.
- Define "peace officer" to mean a police officer in Michigan or a Michigan political subdivision; a Michigan county sheriff or a deputy; a public safety officer of a college or university who is authorized by the institution's governing board to enforce state law and the rules and ordinances of the institution; and/or a state or federal conservation officer.

FISCAL IMPACT:

The bill would have no significant fiscal impact.

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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.