



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5270 (Substitute S-1 as reported)
Sponsor: Representative Rick Jones
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to exempt a peace officer performing his or her duties from various prohibitions against intentionally pointing or aiming a firearm without malice, including violations in which a firearm is discharged and a person is injured or killed. The bill also would increase from 90 days to 93 days the maximum term of imprisonment for intentionally pointing or aiming a firearm without malice.

The Code makes it a misdemeanor for a person intentionally, but without malice, to point or aim a firearm at or toward another person. Also, it is a misdemeanor for a person to discharge a firearm while it is intentionally but without malice aimed at or toward another person, without injuring another person, or to maim or injure another person by discharging a firearm pointed or aimed intentionally but without malice at another person. If wounds, maiming, or injuries result in death, the offense is manslaughter (which is a felony).

The bill specifies that each of the violations described above would not apply to a "peace officer" performing his or her duties. "Peace officer" would mean that term as it is defined in Section 215 of the Code.

In addition, the Code exempts a peace officer performing his or her duties from prohibitions against intentionally discharging a firearm from a vehicle or a dwelling or occupied structure. The bill specifies that "peace officer" in those provisions would mean that term as defined in Section 215.

MCL 750.233 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have little or no fiscal impact on State government and an indeterminate fiscal impact on local government. Between 2000 and 2003, nine offenders were convicted of discharging a firearm without malice that resulted in death, but there are no data to indicate how many of these offenders were peace officers. There also are no data to indicate how many offenders have been convicted of the other offenses, or how many of those offenders were peace officers. To the extent that the bill would result in fewer convictions due to the fact that peace officers could no longer be convicted of these offenses, State and local governments would incur reduced incarceration costs. However, to the extent that those convicted of aiming a firearm at another would be given longer sentences due to the bill, local governments would incur additional costs of incarceration in local facilities, which vary by county.

Date Completed: 12-13-05

Fiscal Analyst: Lindsay Hollander