



## Senate Bill No. 1046 as amended June 6, 2006

1 invasion or has broken and entered a dwelling or business premises  
2 or committed home invasion and is still present in the dwelling or  
3 business premises, or is unlawfully attempting to remove another  
4 individual from a dwelling, business premises, or occupied vehicle  
5 against his or her will.

6 (b) The individual using deadly force or force other than  
7 deadly force <<honestly and reasonably believes that>> the individual is  
8 engaging in conduct described in subdivision (a).

9 (2) The presumption set forth in subsection (1) does not apply  
10 if any of the following circumstances exist:

11 (a) The individual against whom deadly force or force other  
12 than deadly force is used, including an owner, lessee, or  
13 titleholder, has the legal right to be in the dwelling, business  
14 premises, or vehicle and there is not an injunction for protection  
15 from domestic violence or a written pretrial supervision order, a  
16 probation order, or a parole order of no contact against that  
17 person.

18 (b) The individual removed or being removed from the dwelling,  
19 business premises, or occupied vehicle is a child or grandchild of,  
20 or is otherwise in the lawful custody of or under the lawful  
21 guardianship of, the individual against whom deadly force or force  
22 other than deadly force is used.

23 (c) The individual who uses deadly force or force other than  
24 deadly force is engaged in an unlawful activity or is using the  
25 dwelling, business premises, or occupied vehicle to further an  
26 unlawful activity.

27 (d) The individual against whom deadly force or force other

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1 than deadly force is used is a peace officer who has entered or is  
 2 attempting to enter a dwelling, business premises, or vehicle in  
 3 the performance of his or her official duties and the peace officer  
 4 identifies himself or herself in accordance with applicable law or  
 5 the individual using deadly force or force other than deadly force  
 6 knows or reasonably should know that the individual entering or  
 7 attempting to enter the dwelling, business premises, or vehicle is  
 8 a peace officer.

<<(e) The individual against whom deadly force or force other than  
 deadly force is used is the spouse or former spouse of the individual  
 using deadly force or force other than deadly force, an individual with  
 whom the individual using deadly force or other than deadly force has or  
 had a dating relationship, an individual with whom the individual using  
 deadly force or other than deadly force has had a child in common, or a  
 resident or former resident of his or her household, and the individual  
 using deadly force or other than deadly force has a prior history of  
 domestic violence as the aggressor.>>

9 (3) As used in this section:

<<(a) "Domestic violence" means that term as defined in section 1  
 of 1978 PA 389, MCL 400.1501.>>

10 <<(b)>> "Business premises" means a building or other structure  
 11 used for the transaction of business, including an appurtenant  
 12 structure attached to that building or other structure.

13 <<(c)>> "Dwelling" means a structure or shelter that is used  
 14 permanently or temporarily as a place of abode, including an  
 15 appurtenant structure attached to that structure or shelter.

16 <<(d)>> "Law enforcement officer of a Michigan Indian tribal  
 17 police force" means a regularly employed member of a police force  
 18 of a Michigan Indian tribe who is appointed pursuant to former 25  
 19 CFR 12.100 to 12.103.

20 <<(e)>> "Michigan Indian tribe" means a federally recognized  
 21 Indian tribe that has trust lands located within this state.

22 <<(f)>> "Peace officer" means any of the following:

23 (i) A regularly employed member of a law enforcement agency  
 24 authorized and established pursuant to law, including common law,  
 25 who is responsible for the prevention and detection of crime and  
 26 the enforcement of the general criminal laws of this state. Peace  
 27 officer does not include a person serving solely because he or she

1 occupies any other office or position.

2 (ii) A law enforcement officer of a Michigan Indian tribal  
3 police force.

4 (iii) The sergeant at arms or any assistant sergeant at arms of  
5 either house of the legislature who is commissioned as a police  
6 officer by that respective house of the legislature as provided by  
7 the legislative sergeant at arms police powers act, 2001 PA 185,  
8 MCL 4.381 to 4.382.

9 (iv) A law enforcement officer of a multicounty metropolitan  
10 district.

11 (v) A county prosecuting attorney's investigator sworn and  
12 fully empowered by the sheriff of that county.

13 (vi) Until December 31, 2007, a law enforcement officer of a  
14 school district in this state that has a membership of at least  
15 20,000 pupils and that includes in its territory a city with a  
16 population of at least 180,000 as of the most recent federal  
17 decennial census.

18 (vii) A fire arson investigator from a fire department within a  
19 city with a population of not less than 750,000 who is sworn and  
20 fully empowered by the city chief of police.

21 (viii) A security employee employed by the state pursuant to  
22 section 6c of 1935 PA 59, MCL 28.6c.

23 (ix) A motor carrier officer appointed pursuant to section 6d  
24 of 1935 PA 59, MCL 28.6d.

25 (x) A police officer or public safety officer of a community  
26 college, college, or university who is authorized by the governing  
27 board of that community college, college, or university to enforce

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1 state law and the rules and ordinances of that community college,  
2 college, or university.

3 <<(g)>> "Vehicle" means a conveyance of any kind, whether or not  
4 motorized, that is designed to transport people or property.

5 Enacting section 1. This act takes effect October 1, 2006.

6 Enacting section 2. This act does not take effect unless all  
7 of the following bills of the 93rd Legislature are enacted into  
8 law:

9 (a) Senate Bill No. 1185.

10 (b) House Bill No. 5142.

11 (c) House Bill No. 5143.

12 (d) House Bill No. 5153.

13 (e) House Bill No. 5548.