

Legislative Analysis



METALLIC KNUCKLES: RENAME AS "KNUCKLES"

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House Bill 4828 (Substitute H-1)

Sponsor: Rep. Gino Polidori

Committee: Judiciary

Complete to 6-16-09

A SUMMARY OF HOUSE BILL 4828 AS INTRODUCED 4-23-09

The bill would rename "metallic knuckles" as "knuckles" and define the term.

House Bill 4828 would amend the Michigan Penal Code. Currently, it is illegal to manufacture, sell, offer for sale, or possess numerous dangerous objects, including machine guns, silencers, bombs, blackjacks, and metallic knuckles.

The bill would strike the word "metallic," and refer only to "knuckles." The term would be defined to mean a device worn over the knuckles on the back of the hand or fitted over the fingers to increase the impact of a blow with the fist.

The current penalty would apply to the new term: a violation is a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$2,500.

MCL 750.224

FISCAL IMPACT:

The bill's fiscal impact on state and local correctional systems would depend on how it affected the number and severity of felony sentences. There are no data to indicate how many offenders might be affected by the bill. To the extent that the bill increased the number of felony sentences, the state could incur increased costs of prison incarceration or felony probation supervision. The average appropriated cost of prison incarceration is roughly \$33,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year. Costs of any jail sentences would be borne by the affected counties; those costs vary with jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

BACKGROUND INFORMATION:

Currently, it is a felony offense to make, sell, or possess metallic knuckles. Reportedly, as way around the current prohibition, criminals are now making knuckles out of non-metallic substances. These newer models are just as lethal, but able to both skirt the law and to pass through metal detectors. The bill would address the issue by renaming and

then defining the term to apply to any object worn over the knuckles in order to increase the impact of a blow with the fist.

However, it should be noted that the term "brass knuckles" is used in several other sections of law. For consistency, and so that crimes committed with these dangerous weapons can be appropriately charged and adjudicated, these other provisions should also be revised.

POSITIONS:

The Department of Corrections indicated neutrality on the bill. (6-10-09)

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