



Senate Fiscal Agency
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House Bill 6053 (Substitute H-2 as passed by the House)

Sponsor: Representative Hugh Crawford

First House Committee: Judiciary

Second House Committee: Tourism, Outdoor Recreation, and Natural Resources

Senate Committee: Judiciary

Date Completed: 11-23-10

CONTENT

The bill would amend the Michigan Penal Code to increase the maximum amount of oleoresin capsicum (OC) in a self-defense spray or foam device that a person may use in defense of people or property.

Under the Code, using a self-defense spray or foam device to eject, release, or emit certain substances, including OC, at another person is a misdemeanor punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. That provision, however, does not prohibit a person's reasonable use of a self-defense spray or foam device containing not more than 2% OC in the protection of a person or property under circumstances that would justify the person's use of physical force. The bill would allow the use of a device containing up to 10% OC.

MCL 750.224d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate whether fewer offenders would be convicted of the offense. To the extent that there were fewer convictions, local governments would save the costs of incarceration in local facilities, which vary by county. Public libraries would receive less penal fine revenue.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.