

# Legislative Analysis



## INCREASE SELF-DEFENSE SPRAY CONCENTRATION

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<http://www.house.mi.gov/hfa>

**House Bill 5220 as introduced**  
**Sponsor: Rep. Michele Hoitenga**  
**Committee: Judiciary**  
**Complete to 12-4-17**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5220 would amend the Michigan Penal Code to increase the amount of oleoresin capsicum allowed in self-defense spray or foam devices.

Oleoresin capsicum (OC), derived from chili peppers, is the active ingredient in self-defense spray (pepper spray). Currently, a self-defense spray or foam device can contain up to 10% OC in its solution. The bill would increase the amount allowed to 18% OC. The bill also would allow a self-defense spray or foam device to include a solution containing an ultraviolet dye, with up to 18% OC.

Under current law, the use of a self-defense spray or foam device containing up to 10% OC is prohibited, except for (1) reasonable use in the performance of official duties by a trained employee of a county sheriff or chief of police who is authorized in writing to carry and use the spray, or (2) reasonable use by a person in the protection of a person or property under circumstances that would justify the use of physical force. The bill would increase the amount of allowable OC to 18% for both these permissible uses, and also allow a person to reasonably use, in the justified protection of a person or property, a self-defense spray or foam device containing an ultraviolet dye (with up to 18% OC).

MCL 750.224d

### FISCAL IMPACT:

House Bill 5220 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons that might be convicted of selling self-defense sprays or foam devices to minors. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues. Also, the bill would have an indeterminate fiscal impact on local court funding units. The fiscal impact would depend on how provisions of the bill affected court caseloads and related administrative costs.

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