

**SUBSTITUTE FOR
HOUSE BILL NO. 4211**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479b. (1) An individual who takes a weapon other than a
2 firearm from the lawful possession of a peace officer or a
3 corrections officer is guilty of a felony punishable by
4 imprisonment for not more than 4 years or a fine of not more than
5 \$2,500.00, or both, if all of the following circumstances exist at
6 the time the weapon is taken:

7 (a) The individual knows or has reason to believe the person
8 from whom the weapon is taken is a peace officer or a corrections
9 officer.

1 (b) The peace officer or corrections officer is performing his
2 or her duties as a peace officer or a corrections officer.

3 (c) The individual takes the weapon without consent of the
4 peace officer or corrections officer.

5 (d) The peace officer or corrections officer is authorized by
6 his or her employer to carry the weapon in the line of duty.

7 (2) ~~An~~ **Except as otherwise provided in subsection (3), an**
8 individual who takes a firearm from the lawful possession of a
9 peace officer or a corrections officer is guilty of a felony
10 punishable by imprisonment for not more than 10 years or a fine of
11 not more than \$5,000.00, or both, if all of the following
12 circumstances exist at the time the firearm is taken:

13 (a) The individual knows or has reason to believe the person
14 from whom the firearm is taken is a peace officer or a corrections
15 officer.

16 (b) The peace officer or corrections officer is performing his
17 or her duties as a peace officer or a corrections officer.

18 (c) The individual takes the firearm without the consent of
19 the peace officer or corrections officer.

20 (d) The peace officer or corrections officer is authorized by
21 his or her employer to carry the firearm in the line of duty.

22 **(3) An individual who takes a firearm from the lawful**
23 **possession of a peace officer or a corrections officer is guilty of**
24 **a felony punishable by imprisonment for not more than 20 years or a**
25 **fine of not more than \$5,000.00, or both, if all of the following**
26 **circumstances exist at the time the firearm is taken:**

27 (a) The individual knows or has reason to believe the person
28 from whom the firearm is taken is a peace officer or a corrections
29 officer.

1 (b) The peace officer or corrections officer is performing his
2 or her duties as a peace officer or a corrections officer.

3 (c) The individual takes the firearm without the consent of
4 the peace officer or corrections officer.

5 (d) The peace officer or corrections officer is authorized by
6 his or her employer to carry the firearm in the line of duty.

7 (e) The individual uses force or violence while taking or
8 attempting to take the firearm from the peace officer or
9 corrections officer.

10 (4) ~~(3)~~—This section does not prohibit an individual from
11 being charged with, convicted of, or punished for any other
12 violation of law that is committed by that individual while
13 violating this section.

14 (5) ~~(4)~~—A term of imprisonment imposed for a violation of this
15 section may run consecutively to any term of imprisonment imposed
16 for another violation arising from the same transaction.

17 (6) ~~(5)~~—As used in this section:

18 (a) "Corrections officer" means a prison or jail guard or
19 other employee of a jail or a state or federal correctional
20 facility, who performs duties involving the transportation, care,
21 custody, or supervision of prisoners.

22 (b) "Peace officer" means 1 or more of the following:

23 (i) A police officer of this state or a political subdivision
24 of this state.

25 (ii) A police officer of any entity of the United States.

26 (iii) The sheriff of a county of this state or the sheriff's
27 deputy.

28 (iv) A public safety officer of a college or university who is
29 authorized by the governing board of that college or university to

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

3 (v) A conservation officer of the department of natural
4 resources.

5 (vi) A conservation officer of the United States ~~department of~~
6 ~~interior.~~**Department of the Interior.**

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.