

# HOUSE BILL NO. 4211

February 11, 2021, Introduced by Reps. Mueller, LaGrand, Bezotte and Clements and referred to the Committee on Judiciary.

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

1 the time the weapon is taken:

2 (a) The individual knows or has reason to believe the person  
3 from whom the weapon is taken is a peace officer or a corrections  
4 officer.

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

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

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

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

17 (a) The individual knows or has reason to believe the person  
18 from whom the firearm is taken is a peace officer or a corrections  
19 officer.

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

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

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

26 (3) **An individual who takes a firearm from the lawful**  
27 **possession of a peace officer or a corrections officer is guilty of**  
28 **a felony punishable by imprisonment for not more than 20 years or a**  
29 **fine of not more than \$5,000.00, or both, if all of the following**

1 circumstances exist at the time the firearm is taken:

2 (a) The individual knows or has reason to believe the person  
3 from whom the firearm is taken is a peace officer or a corrections  
4 officer.

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

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

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

11 (e) The individual uses force or violence in attempting to  
12 take the firearm or causes a serious or aggravated injury to the  
13 peace officer or corrections officer when he or she attempts to  
14 take the firearm.

15 (4) ~~(3)~~—This section does not prohibit an individual from  
16 being charged with, convicted of, or punished for any other  
17 violation of law that is committed by that individual while  
18 violating this section.

19 (5) ~~(4)~~—~~A~~ Subject to subsection (6), a term of imprisonment  
20 imposed for a violation of this section may run consecutively to  
21 any term of imprisonment imposed for another violation arising from  
22 the same transaction.

23 (6) A term of imprisonment imposed under subsection (3) may be  
24 served consecutively with and preceding any term of imprisonment  
25 imposed for another violation arising from the same transaction if  
26 the peace officer suffers a serious or aggravated injury as a  
27 result of the violation.

28 (7) ~~(5)~~—As used in this section:

29 (a) "Corrections officer" means a prison or jail guard or

1 other employee of a jail or a state or federal correctional  
2 facility, who performs duties involving the transportation, care,  
3 custody, or supervision of prisoners.

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

5 (i) A police officer of this state or a political subdivision  
6 of this state.

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

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

10 (iv) A public safety officer of a college or university who is  
11 authorized by the governing board of that college or university to  
12 enforce state law and the rules and ordinances of that college or  
13 university.

14 (v) A conservation officer of the department of natural  
15 resources.

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

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