

HOUSE BILL NO. 4404

April 29, 2025, Introduced by Rep. DeSana and referred to Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 2922b and 2922c (MCL 600.2922b and 600.2922c),
section 2922b as added by 2006 PA 314 and section 2922c as added by
2006 PA 312.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2922b. **(1)** An individual who uses deadly force or force
2 other than deadly force in self-defense or in defense of another
3 individual in compliance with section 2 of the self-defense act,

1 2006 PA 309, MCL 780.972, or who threatens to use deadly force or
2 force other than deadly force in self-defense or defense of another
3 individual is immune from civil liability for damages, including,
4 but not limited to, damages for personal injury or death, caused to
5 ~~either of the following by the use or threatened use of that deadly~~
6 force or force other than deadly force. ÷

7 ~~(a) The individual against whom the use of deadly force or~~
8 ~~force other than deadly force is authorized.~~

9 ~~(b) Any individual claiming damages arising out of injury to~~
10 ~~or the death of the individual described in subdivision (a), based~~
11 ~~upon his or her relationship to that individual.~~

12 (2) In an action in which an immunity defense under this
13 section is asserted, there is a presumption that the individual
14 claiming the defense is immune if any of the following apply:

15 (a) A grand jury or a judicial officer acting in the capacity
16 of a grand juror has declined to indict the individual for the use
17 or threatened use of deadly force or force other than deadly force.

18 (b) A prosecuting attorney has declined to issue a complaint
19 against the individual for the use or threatened use of deadly
20 force or force other than deadly force.

21 (c) A magistrate has refused to issue a warrant or summons
22 against the individual for the use or threatened use of deadly
23 force or force other than deadly force under section 1a of chapter
24 IV of the code of criminal procedure, 1927 PA 175, MCL 764.1a.

25 (d) The individual has been discharged by a court after a
26 preliminary examination in a case charging the individual with the
27 use or threatened use of deadly force or force other than deadly
28 force.

29 (e) A criminal charge against the individual for an offense

1 involving the use or threatened use of deadly force or force other
2 than deadly force has resulted in acquittal of the individual or
3 dismissal of the charge.

4 Sec. 2922c. The court shall award the payment of actual
5 attorney fees, ~~and court costs, lost income, and other expenses~~ to
6 an individual who is sued for civil damages for allegedly using **or**
7 **threatening to use** deadly force or force other than deadly force
8 against another individual if the court determines that the
9 individual used deadly force or force other than deadly force in
10 compliance with section 2 of the self-defense act, **2006 PA 309, MCL**
11 **780.972, or threatened to use deadly force or force other than**
12 **deadly force in self-defense or defense of another individual,** and
13 that the individual is immune from civil liability under section
14 2922b.

15 Enacting section 1. This amendatory act takes effect September
16 1, 2025.

17 Enacting section 2. This amendatory act applies only to a
18 cause of action that accrues on or after the effective date of this
19 amendatory act.