

SENATE BILL NO. 333

May 29, 2025, Introduced by Senators CHANG, ANTHONY, BAYER, GEISS, SANTANA, IRWIN, MCMORROW, SHINK, CAVANAGH and CAMILLERI and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to require law enforcement agencies to adopt certain policies on the use of force by law enforcement officers; to require law enforcement agencies to update the use of force policies; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Deadly force" means any force that a reasonable law
- 3 enforcement officer would objectively consider likely to create a
- 4 substantial risk of death or serious bodily harm.

1 (b) "De-escalation technique" means a range of integrated
2 strategies and tactics used by a law enforcement officer to diffuse
3 a potentially volatile or violent situation with the aim to reduce
4 the immediacy of the threat and level of force required for
5 resolution while ensuring the safety of the law enforcement officer
6 and public.

7 (c) "Law enforcement agency" means that term as defined in
8 section 2 of the Michigan commission on law enforcement standards
9 act, 1965 PA 203, MCL 28.602.

10 (d) "Law enforcement officer" means that term as defined in
11 section 2 of the Michigan commission on law enforcement standards
12 act, 1965 PA 203, MCL 28.602.

13 (e) "Objectively reasonable" means the use of force by the law
14 enforcement officer is objectively reasonable in light of the facts
15 and circumstances known to the law enforcement officer, without
16 regard to the law enforcement officer's underlying intent or
17 motivation. For purposes of this definition, the reasonableness of
18 a particular use of force by a law enforcement officer must be
19 judged from the perspective of a reasonable law enforcement officer
20 on the scene, rather than with the improved clarity of hindsight,
21 and must take into consideration the fact that law enforcement
22 officers are often forced to make split-second decisions in
23 circumstances that are tense, uncertain, and rapidly evolving. An
24 inquiry must consider the severity of the crime at issue; whether
25 the individual posed an immediate threat to the safety of the law
26 enforcement officer or others; whether the individual was actively
27 resisting arrest or attempting to evade arrest by flight; whether
28 the individual was experiencing a medical emergency that rendered
29 the individual incapable of making a rational decision under

1 circumstances that posed an immediate threat of serious harm to the
2 law enforcement officer or others; whether some degree of force by
3 the law enforcement officer was reasonably necessary to ameliorate
4 the immediate threat; and whether the force used was more than
5 reasonably necessary under the circumstances.

6 (f) "Policy" means the use of force policy adopted by a law
7 enforcement agency under section 2.

8 (g) "Serious bodily harm" means any bodily injury that creates
9 a substantial risk of death, permanent disfigurement, or permanent
10 loss or impairment of any bodily limb or organ.

11 Sec. 2. (1) Beginning 6 months after the effective date of
12 this act, each law enforcement agency shall adopt a use of force
13 policy.

14 (2) The policy required under subsection (1) must be
15 consistent with all applicable federal and local laws and laws of
16 this state and include, at a minimum, all of the following:

17 (a) A requirement that a law enforcement officer may only use
18 physical force that is objectively reasonable.

19 (b) Standards, procedures, and considerations for all of the
20 following:

21 (i) Using physical force on an individual.

22 (ii) Issuing a verbal warning.

23 (iii) Using deadly force on an individual only when the use of
24 deadly force is necessary to protect the law enforcement officer or
25 another individual from an imminent threat of death or serious
26 bodily harm.

27 (iv) Using other alternatives to the use of physical or deadly
28 force and de-escalation techniques.

29 (c) A statement that the intentional use of physical force

1 that continuously restricts air flow to the throat or windpipe of
2 an individual constitutes deadly force if it creates a substantial
3 risk of death or serious bodily harm to that individual.

4 (3) Nothing in this act prohibits a law enforcement agency
5 from adopting a policy that exceeds the requirements of this act.

6 Sec. 3. Each law enforcement agency shall do all of the
7 following:

8 (a) Continuously review and, when necessary, update its policy
9 to ensure that its updated policy complies with this act and is
10 consistent with case law precedent.

11 (b) Make its use of force policy publicly available by posting
12 it on any website of the law enforcement agency, or posting it at
13 the law enforcement agency's physical location.