



Senate Fiscal Agency  
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## BILL ANALYSIS

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House Bill 5074 (as passed by the House)  
Sponsor: Representative Doug Spade  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 5-13-04

**CONTENT**

**The bill would amend the Michigan Penal Code to allow a local corrections officer to possess and reasonably use "a device that uses electro-muscular disruption technology" while performing his or her official duties, if he or she had been trained in the use, effects, and risks of the device and were authorized in writing by the county sheriff to possess and use such a device.**

The Code prohibits a person from selling, offering for sale, or possessing a portable device or weapon from which an electrical current, impulse, wave, or beam that is designed to incapacitate temporarily, injure, or kill may be directed. The prohibition does not apply, however, to the possession and reasonable use of a device that uses electro-muscular disruption (EMD) technology by a peace officer, Department of Corrections employee authorized in writing by the Department Director, probation officer, court officer, bail agent, licensed private investigator, aircraft pilot, or aircraft crew member, who has been trained in the use, effects, and risks of the device, while performing his or her official duties. The bill would include in that provision a local corrections officer authorized in writing by the county sheriff.

Under the Code, "a device that uses electro-muscular disruption" means a device to which all of the following apply:

- The device is capable of creating an electro-muscular disruption and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy.
- The device contains an identification and tracking system that, when the device initially is used, dispenses coded material traceable to the purchaser through records kept by the manufacturer.
- The manufacturer has a policy of providing the identification and tracking information to a police agency upon written request by that agency.

Under the bill, "local corrections officer" would mean that term as defined in the Local Corrections Officer Training Act, i.e., any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator. (Under that Act, "local correctional facility" means a county jail, work camp, or any other facility maintained by a county that houses adult prisoners.)

MCL 750.224a

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have no fiscal impact on State government. To the extent that the use of EMD devices decreases officer and offender injury, allowing local corrections officers to use EMD devices would potentially decrease workers' compensation and offender health care costs incurred by local governments.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.