

HOUSE BILL No. 5074

September 25, 2003, Introduced by Reps. Spade, Sheltroun, Hune, Bieda, Wojno, Farrah and Plakas and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 224a (MCL 750.224a), as amended by 2002 PA
709.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 224a. (1) Except as otherwise provided in this
2 section, a person shall not sell, offer for sale, or possess in
3 this state a portable device or weapon from which an electrical
4 current, impulse, wave, or beam may be directed, which current,
5 impulse, wave, or beam is designed to incapacitate temporarily,
6 injure, or kill.

7 (2) This section does not prohibit any of the following:

8 (a) The possession and reasonable use of a device that uses
9 electro-muscular disruption technology by a peace officer, an
10 employee of the department of corrections authorized in writing

1 by the director of the department of corrections, **local**
 2 **corrections officer authorized in writing by the county sheriff,**
 3 probation officer, court officer, bail agent authorized under
 4 section 167b, licensed private investigator, aircraft pilot, or
 5 aircraft crew member, who has been trained in the use, effects,
 6 and risks of the device, while performing his or her official
 7 duties.

8 (b) Possession solely for the purpose of delivering a device
 9 described in subsection (1) to any governmental agency or to a
 10 laboratory for testing, with the prior written approval of the
 11 governmental agency or law enforcement agency and under
 12 conditions determined to be appropriate by that agency.

13 (3) A manufacturer, authorized importer, or authorized dealer
 14 may demonstrate, offer for sale, hold for sale, sell, give, lend,
 15 or deliver a device that uses electro-muscular disruption
 16 technology to a person authorized to possess a device that uses
 17 electro-muscular disruption technology and may possess a device
 18 that uses electro-muscular disruption technology for any of those
 19 purposes.

20 (4) A person who violates this section is guilty of a felony
 21 punishable by imprisonment for not more than 4 years or a fine of
 22 not more than \$2,000.00, or both.

23 (5) As used in this section: ~~—~~"a

24 (a) "A device that uses electro-muscular disruption
 25 technology" means a device to which all of the following apply:

26 (i) ~~—(a)—~~ The device is capable of creating an
 27 electro-muscular disruption and is used or intended to be used as

1 a defensive device capable of temporarily incapacitating or
2 immobilizing a person by the direction or emission of conducted
3 energy.

4 (ii) ~~—(b)—~~ The device contains an identification and tracking
5 system that, when the device is initially used, dispenses coded
6 material traceable to the purchaser through records kept by the
7 manufacturer.

8 (iii) ~~—(e)—~~ The manufacturer of the device has a policy of
9 providing the identification and tracking information described
10 in subdivision (b) to a police agency upon written request by
11 that agency.

12 (b) "Local corrections officer" means that term as defined in
13 section 2 of the local corrections officer training act, 2003 PA
14 125, MCL 791.532.