

DISARMING LAW ENFORCEMENT OFFICER OR CORRECTIONS OFFICER USING FORCE

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House Bills 5079 (H-1) and 5080 as reported from committee
Sponsor: Rep. Mike Mueller
Committee: Judiciary
Complete to 11-5-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5079 would create an enhanced penalty for disarming a law enforcement officer or corrections officer using force or violence or attempting to do so, and House Bill 5080 would place the felony penalty within the sentencing guidelines.

Under current law, an individual who disarms a *peace officer* or *corrections officer* is guilty of a felony if certain circumstances exist at the time the weapon is taken, such as knowing that the person is a peace officer or corrections officer. Taking a weapon other than a firearm is punishable by imprisonment for up to four years or a fine of up to \$2,500, or both. Taking a firearm is punishable by imprisonment for up to 10 years or a fine of up to \$5,000, or both.

Peace officer means one or more of the following:

- A police officer of this state or a political subdivision of this state.
- A police officer of any entity of the United States.
- The sheriff of a county of this state or the sheriff's deputy.
- A public safety officer of a college or university who is authorized by the governing board of that college or university to enforce state law and the rules and ordinances of that college or university.
- A conservation officer of the Department of Natural Resources.
- A conservation officer of the United States Department of the Interior.

Corrections officer means a prison or jail guard or other employee of a jail or a state or federal correctional facility who performs duties involving the transportation, care, custody, or supervision of prisoners.

House Bill 5079 would amend the Michigan Penal Code to add an enhanced felony penalty to the penalties described above for using force or violence while taking or attempting to take a firearm from a peace officer or corrections officer. For the enhanced penalty to apply, all of the following circumstances would also have to exist at the time the individual takes or attempts to take the firearm:

- The individual knows or has reason to believe that the person from whom the firearm is taken is a peace officer or corrections officer.
- The officer is authorized by their employer to carry the firearm in the line of duty.
- The officer is performing their duties as a peace officer or corrections officer.
- The firearm is taken without the consent of the officer.

Taking a firearm using force or violence would be a felony punishable by imprisonment for up to 20 years or a fine of up to \$5,000, or both.

A current provision that allows an individual who disarmed a peace officer or corrections officer to be charged with or convicted of any violation of law committed while disarming the officer would also apply to the violation added by the bill, as would a provision allowing a term of imprisonment imposed for disarming a peace officer or corrections officer to run consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

Finally, under the bill, the term *peace officer* would include both of the following (in addition to the individuals listed in the current definition, above):

- A security employee employed by the state under 1935 PA 59.¹ (These employees protect state-owned or state-leased property or facilities.)
- A motor carrier officer appointed by the Department of State Police under 1935 PA 59.² (These officers primarily enforce the general laws of the state as they pertain to commercial vehicles.)

MCL 750.479b

House Bill 5080 would amend the sentencing guidelines in the Code of Criminal Procedure to provide that disarming a peace officer of a firearm using violence or force is a Class C felony against a person with a 20-year maximum term of imprisonment. The bill cannot take effect unless House Bill 5079 is also enacted.

MCL 777.16x

Each bill would take effect 90 days after its enactment.

BACKGROUND:

The bills are reintroductions of House Bills 4211 and 4212 of the 2021-22 legislative session, which were passed by the House of Representatives.

FISCAL IMPACT:

House Bill 5079 would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, an individual who knowingly and forcefully takes a firearm from a peace officer or corrections officer who is performing their duties and is authorized to carry the firearm in the line of duty would be guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$5,000, or both. Felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2024, the average cost of prison incarceration in a state facility was roughly \$46,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,500 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-28-6C>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-28-6d>

administrative costs. Because there is no practical way to determine the number of violations that would occur, an estimate of the amount of costs related to state prisons, penal fine revenue collections, or costs to local courts cannot be made.

House Bill 5080 is a companion bill to House Bill 5079 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the new felony proposed in House Bill 5079. Disarming a peace officer of a firearm using violence would be classified as a Class C felony against a person punishable by a statutory maximum of 20 years. The bill would not have a direct fiscal impact on the state or on local units of government.

POSITIONS:

The following entities indicated support for the bills (10-22-25):

- Department of Attorney General
- Michigan Sheriffs' Association

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.