

**SUBSTITUTE FOR
HOUSE BILL NO. 5079**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479b. (1) An individual who takes a weapon other than a
2 firearm from the lawful possession of a peace officer or a
3 corrections officer is guilty of a felony punishable by
4 imprisonment for not more than 4 years or a fine of not more than
5 \$2,500.00, or both, if all of the following circumstances exist at
6 the time the weapon is taken:

7 (a) The individual knows or has reason to believe the person
8 from whom the weapon is taken is a peace officer or a corrections
9 officer.

1 (b) The peace officer or corrections officer is performing ~~his~~
2 ~~or her~~ **the peace officer's or corrections officer's** duties as a
3 peace officer or a corrections officer.

4 (c) The individual takes the weapon without **the** consent of the
5 peace officer or corrections officer.

6 (d) The peace officer or corrections officer is authorized by
7 ~~his or her~~ **the peace officer's or corrections officer's** employer to
8 carry the weapon in the line of duty.

9 (2) ~~An~~ **Except as otherwise provided in subsection (3), an**
10 individual who takes a firearm from the lawful possession of a
11 peace officer or a corrections officer is guilty of a felony
12 punishable by imprisonment for not more than 10 years or a fine of
13 not more than \$5,000.00, or both, if all of the following
14 circumstances exist at the time the firearm is taken:

15 (a) The individual knows or has reason to believe the person
16 from whom the firearm is taken is a peace officer or a corrections
17 officer.

18 (b) The peace officer or corrections officer is performing ~~his~~
19 ~~or her~~ **the peace officer's or corrections officer's** duties as a
20 peace officer or a corrections officer.

21 (c) The individual takes the firearm without the consent of
22 the peace officer or corrections officer.

23 (d) The peace officer or corrections officer is authorized by
24 ~~his or her~~ **the peace officer's or corrections officer's** employer to
25 carry the firearm in the line of duty.

26 **(3) An individual who takes a firearm from the lawful**
27 **possession of a peace officer or a corrections officer is guilty of**
28 **a felony punishable by imprisonment for not more than 15 years or a**
29 **fine of not more than \$5,000.00, or both, if all of the following**

1 circumstances exist at the time the firearm is taken:

2 (a) The individual knows or has reason to believe the person
3 from whom the firearm is taken is a peace officer or a corrections
4 officer.

5 (b) The peace officer or corrections officer is performing the
6 peace officer's or corrections officer's duties as a peace officer
7 or a corrections officer.

8 (c) The individual takes the firearm without the consent of
9 the peace officer or corrections officer.

10 (d) The peace officer or corrections officer is authorized by
11 the peace officer's or corrections officer's employer to carry the
12 firearm in the line of duty.

13 (e) The individual uses force or violence while taking or
14 attempting to take the firearm from the peace officer or
15 corrections officer.

16 (4) ~~(3)~~—This section does not prohibit an individual from
17 being charged with, convicted of, or punished for any other
18 violation of law that is committed by that individual while
19 violating this section.

20 (5) ~~(4)~~—A term of imprisonment imposed for a violation of this
21 section may run consecutively to any term of imprisonment imposed
22 for another violation arising from the same transaction.

23 (6) ~~(5)~~—As used in this section:

24 (a) "Corrections officer" means a prison or jail guard or
25 other employee of a jail or a state or federal correctional
26 facility, who performs duties involving the transportation, care,
27 custody, or supervision of prisoners.

28 (b) "Peace officer" means 1 or more of the following:

29 (i) A police officer of this state or a political subdivision

1 of this state.

2 (ii) A police officer of any entity of the United States.

3 (iii) The sheriff of a county of this state or the sheriff's
4 deputy.

5 (iv) A public safety officer of a college or university who is
6 authorized by the governing board of that college or university to
7 enforce state law and the rules and ordinances of that college or
8 university.

9 (v) A conservation officer of the department of natural
10 resources.

11 (vi) A conservation officer of the United States ~~department of~~
12 ~~interior.~~**Department of the Interior.**

13 **(vii) A security employee employed by this state as provided**
14 **under section 6c of 1935 PA 59, MCL 28.6c.**

15 **(viii) A motor carrier officer appointed under section 6d of**
16 **1935 PA 59, MCL 28.6d.**

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.