

## PUBLIC BODY LAW ENFORCEMENT ACT

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### House Bills 5906 and 5907

**Sponsor: Rep. William Van Regenmorter**

**Committee: Criminal Justice**

**Complete to 6-29-04**

## A SUMMARY OF HOUSE BILLS 5906 AND 5907 AS INTRODUCED 5-13-04

House Bill 5906 would create a new act to allow public bodies to create a law enforcement agency for the purpose of safeguarding the public peace and health and for the safety of persons and properties under its jurisdiction and control. House Bill 5907 would amend the Commission on Law Enforcement Standards Act to define “multicounty metropolitan district”, amend the definition of “police officer”, and establish minimum requirements for law enforcement officers of a multicounty metropolitan district. House Bill 5907 is tie-barred to House Bill 5906.

House Bill 5906 would create the Public Body Law Enforcement Agency Act to permit a public body to create a law enforcement agency by resolution of its governing board. The act would not limit the jurisdiction of state, county, or municipal peace officers. “Public body” would mean:

- A board, department, authority, commission, council, or agency of a county;
- a multicounty, multicity, or regional governing body or a metropolitan district; or,
- a school district with a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000.

Duties of a public body agency law enforcement officer. A law enforcement officer of a public body law enforcement agency could be granted by the public body the same powers, immunities, and authority as granted by law to peace officers and police officers (after at least two public hearings were held regarding whether these powers should be granted). This would include the power to detect crimes; enforce the criminal laws of the state; and enforce state laws, local ordinances, and ordinances and regulations of the public body. These officers would be considered peace officers and so would have the same authority of police officers provided under the Michigan Vehicle Code and the Code of Criminal Procedure. In addition, these officers would have to meet the minimum employment standards of the Commission on Law Enforcement Standards Act.

However, the jurisdiction of law enforcement officers appointed under the bill would be limited to property owned or leased by the public body, regardless of where located in the state, and would extend to any public right-of-way that traversed or was contiguous to the property. But, the officers’ jurisdiction could be extended by state law governing peace officers if authorized by the governing board. If the officers were employed by a school district, their jurisdiction would include all territory within the boundaries of the school district and all property outside the boundaries that was owned, leased, or rented by or under the legal control of the school district.

Public body law enforcement agency. The Michigan Commission on Law Enforcement Standards (MCOLES) would have to promulgate rules that established the minimum guidelines for the creation and operation of a law enforcement agency. Before a public body could create a law enforcement agency, its governing board would have to obtain the approval of the prosecuting attorney and sheriff of each county within which the public body owns, maintains, or controls property. A public body wholly located within a single city, township, or village would also have to obtain the approval of the local chief of police. The prosecutor, sheriff, and chief of police would have to determine, before granting approval, that the proposed law enforcement agency were needed to assure adequate public safety on the property of the public body and that the proposed agency could comply with minimum guidelines required by the bill.

A public law enforcement agency would have to enter into a memorandum of understanding with each local law enforcement agency with which it had overlapping jurisdiction. The memorandum would establish reasonable communication and coordination efforts between those law enforcement agencies.

Each law enforcement agency created under the bill would have to submit monthly uniform crime reports pertaining to crimes that occurred within the agency's jurisdiction to the Department of State Police under provisions of MCL 28.251, which requires the reports to include the number and nature of offenses committed and the disposition of such offenses. It would also have to maintain an employment history record for each law enforcement officer employed by the agency as required by Section 9d of the Commission on Law Enforcement Standards Act. Further, a public law enforcement agency could not begin operations until an oversight committee was appointed and took office.

Law enforcement agency oversight committee. An oversight committee consisting of six individuals as provided under the bill would have to be appointed by the public body. The committee would have to receive and address grievances concerning that agency or its officers and could recommend to the public body that an investigation be conducted regarding alleged misconducts by officers of that law enforcement agency.

Responsibilities and duties of governing board or metropolitan district. Under the bill, the governing board of a public body that was a multicounty, multicity, or regional governing body or authority or a metropolitan district could do the following:

- Adopt and amend rules, regulations, and ordinances for the management, government, and use of any property under its control; establish penalties for violations of those rules, regulations, and ordinances; and enforce the penalties.
- Adopt and enact rules, regulations, and ordinances designed to safeguard the public peace and health and for the safety of persons and property upon or within the limits of the properties under its control. These could include rules, etc. regarding the proper policing and supervision of persons and property, parking, and the regulation of signs that could impede the safe use of roads within the limits of the properties.

Sanctions and penalties. Each ordinance adopted by a governing board would have to provide for a penalty for a violation. Violations could be punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both, for a violation substantially corresponding to a violation of state law that is a misdemeanor for which the maximum term of imprisonment is 93 days. The board could also adopt an ordinance designating a violation as a state civil infraction punishable by a civil fine. The bill would detail requirements for the publishing of an ordinance passed by a public body and would specify that an ordinance would take effect immediately upon its publication unless it contained a subsequent effective date.

House Bill 5907 would amend the Commission on Law Enforcement Standards Act (MCL 28.602 and 28.609). The bill would define “multicounty metropolitan district” to mean an entity authorized and established under state law by two or more counties with a combined population of not less than three million for the purpose of cooperative planning, promoting, acquiring, construction, owning, developing, maintaining, or operating parks or limited access highways and any necessary connecting drives between those parks and highways.

The bill would also include in the definition of “police officer” or “law enforcement officer” a law enforcement officer of a multicounty metropolitan district subject to certain restrictions and a county prosecuting attorney’s investigator that was sworn and fully empowered by the sheriff of that county. The bill would delete from the definition a sergeant at arms of either house of the legislature who was commissioned as a police officer under provisions of the Legislative Sergeant at Arms Police Powers Act.

A law enforcement officer of a multicounty metropolitan district, other than an officer employed by a law enforcement agency created under provisions of House Bill 5906, would not be empowered to exercise the authority of a peace officer and could not be employed in a position for which peace officer authority was granted under state law unless all of the following requirements were met:

- The officer met or exceeded minimum standards for certification under the act.
- The officer was deputized by the sheriff or sheriffs of the county or counties in which the multicounty metropolitan district was located (and in which he or she would work).
- The officer’s deputation or appointment was made under a written agreement that included any terms required between the state or local law enforcement agency and the governing board of the multicounty metropolitan district that is employing the officer.
- The above written contract was filed with the commission.

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