



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5906 (Substitute S-2 as reported by the Committee of the Whole)  
House Bill 5907 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Representative William Van Regenmorter  
House Committee: Criminal Justice  
Senate Committee: Judiciary

## **CONTENT**

House Bill 5906 (S-2) would create the "Public Body Law Enforcement Agency Act" to allow a "public body" to create a law enforcement agency by resolution of its governing entity.

"Public body would mean either 1) a multicounty metropolitan district authorized and established pursuant to State law by two or more counties with a combined population of at least 3 million, for the purpose of cooperative planning, promoting, acquiring, constructing, owning, developing, maintaining, or operating parks; or 2) a school district that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent Federal decennial census (i.e., Detroit and Grand Rapids).

A public body would have to obtain the approval of the prosecuting attorney of each county within which it owns, maintains, or controls property before creating an agency. The public body also would have to obtain the approval of either the chief of police, if the property were located entirely within one city; or, if not, the sheriff of each county within which it owns, maintains, or controls property. The law enforcement officers of a law enforcement agency created under the bill would have the same powers, immunity, and authority as are granted by law to peace officers and police officers to detect crime and to enforce State laws, local ordinances, and public bodies ordinances and regulations. A public body and its law enforcement officers would have to comply with requirements of the Commission on Law Enforcement Standards (COLES) Act.

A public body that created a law enforcement agency would have to appoint a law enforcement agency oversight committee, which would receive and address public complaints about the agency or its officers. The committee could recommend investigations regarding alleged misconduct. The bill also specifies funding and organization requirements for a public body's law enforcement agency.

Further, the governing board of a multicounty metropolitan district could adopt and amend rules, regulations, and ordinances for the management, government, and use of any property under its control; establish penalties for violations; and enforce those penalties.

House Bill 5907 (S-1) would amend the Commission on Law Enforcement Standards Act to revise the definition of "police officer" or "law enforcement officer" by including a law enforcement officer of a multicounty metropolitan district; a county prosecuting attorney's investigator sworn and fully empowered by the county sheriff; a law enforcement officer of a school district that has a membership of at least 20,000 pupils and that includes in its

territory a city with a population of at least 180,000 (i.e., the Detroit and Grand Rapids school districts); and a fire arson investigator from a fire department within a city with a population of at least 750,000 (i.e., Detroit) who is sworn and fully empowered by the city's chief of police.

A public body that created a law enforcement agency under the proposed Public Body Law Enforcement Agency Act and that employed one or more law enforcement officers certified under the COLES Act would be considered a law enforcement agency under the COLES Act.

MCL 28.602 & 28.609 (H.B. 5907)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

House Bill 5906 (S-2) would have no fiscal impact on the State and an indeterminate fiscal impact on local government. There could be an indeterminate cost to the two eligible school districts (Detroit and Grand Rapids) associated with the administrative costs of creating and operating the law enforcement agency oversight committee. The newly created law enforcement agency also could incur some minimal costs associated with the submission of the monthly crime reports to the Department of State Police, as the bill would require.

While the bill would allow multicounty metropolitan park districts located in two or more counties to create a law enforcement agency, as long as the combined population of the counties exceeded 3.0 million, the only two-county grouping that currently would meet the criteria would be a joint district between Wayne and Oakland Counties. For such a district, to the extent that it did not already provide some level of public safety services and/or that the cost of meeting the minimum requirements of the bill exceeded the current costs of providing those services, the bill would increase local unit costs by an indeterminate amount. Because the bill would not provide additional taxing authority and would require the costs to be paid from appropriated public funds, any costs would be paid from existing revenue sources.

House Bill 5907 (S-1) would have no fiscal impact on State or local government.

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Fiscal Analyst: Bruce Baker  
Joe Carrasco  
David Zin

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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.