

# Legislative Analysis

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## **RESTRICT ACTIVITIES OF STATE & LOCAL AGENCIES; EMPLOYEES; NATIONAL GUARD**

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**House Bill 5768**

**Sponsor: Rep. Tom McMillin**

**1st Committee: Government Operations**

**2nd Committee: Oversight, Reform, and Ethics**

**Complete to 9-24-12**

### **A SUMMARY OF HOUSE BILL 5768 AS INTRODUCED 6-14-12**

House Bill 5768 would create a new act to prohibit all state and local government agencies and employees, including members of the National Guard on official state duty, from aiding an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person under federal law 50 USC 1541 (the policy section of the War Powers Resolution), if such aid would place the agency or employee in violation of the United States Constitution, the State of Michigan Constitution, or any Michigan law.

(Specifically, the bill refers to 50 USC 1541, provided by the federal National Defense Authorization Act for fiscal year 2012, Public Law 112-81.)

The bill specifies that this prohibition would not apply to state or local law enforcement or the National Guard working within joint task forces, partnerships, or other similar cooperative federal law enforcement agreements, if those agreements were *not* for the purpose of investigating, prosecuting, or detaining any citizen of the United States under 50 USC 1541.

### **FISCAL IMPACT:**

A fiscal analysis is in process.

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