

HOUSE BILL No. 4870

September 16, 2015, Introduced by Reps. Runestad, Johnson, Chatfield, Rendon, Santana,
Chirkun, Barrett, Glenn and Robinson and referred to the Committee on Criminal Justice.

A bill to prohibit certain acts by certain state and local
governmental officers and entities at voluntary checkpoints and
stops under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "voluntary motor vehicle checkpoint act".

3 Sec. 2. As used in this act:

4 (a) "Human sample" means a cheek swab, blood or urine sample,
5 saliva, hair, or any other body fluid or exemplar from which the
6 DNA of a donor may be derived and identified and for which a law
7 enforcement officer would be required to seek a court order to
8 obtain.

9 (b) "Law enforcement agency" means the department of state
10 police, the department of natural resources, or a law enforcement

1 agency of a county, township, city, village, airport authority,
2 community college, or university, that is responsible for the
3 prevention and detection of crime and enforcement of the criminal
4 laws of this state.

5 (c) "Law enforcement officer" means all of the following:

6 (i) A person who is trained and certified under the commission
7 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
8 28.616.

9 (ii) A local corrections officer as defined in section 2 of
10 the local corrections officers training act, 2003 PA 125, MCL
11 791.532.

12 (iii) An emergency dispatch worker employed by a law
13 enforcement agency.

14 Sec. 3. (1) A law enforcement agency shall not allow its law
15 enforcement officers to participate in, lend assistance to, or be
16 present in any official capacity at a voluntary motor vehicle
17 checkpoint or stop conducted by a private company or research group
18 to collect human samples from consenting drivers who are stopped at
19 the checkpoint for research or statistical purposes.

20 (2) This prohibition applies whether or not a motor vehicle
21 checkpoint is operated with funds from a federal grant or under a
22 contract with a federal agency or whether or not the drivers
23 consenting to providing a human sample are compensated.

24 Enacting section 1. This act takes effect 90 days after the
25 date it is enacted into law.