

SENATE BILL NO. 668

September 30, 2021, Introduced by Senators IRWIN and CHANG and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1846 RS 14, entitled
"Of county officers,"
(MCL 49.153 to 49.160) by adding section 53a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 53a. (1) If the prosecuting attorney of a county**
2 **determines that a matter involves an allegation that a law**
3 **enforcement officer committed a crime in the course of his or her**
4 **duties as a law enforcement officer, the prosecuting attorney shall**

1 do all of the following:

2 (a) Notify the attorney general of the allegation of the
3 commission of the crime by the law enforcement officer.

4 (b) File a petition with the attorney general stating that he
5 or she is unable to serve in the matter and request the appointment
6 of a special prosecuting attorney to perform the duties of the
7 prosecuting attorney.

8 (2) On receipt of a notice under subsection (1), the attorney
9 general shall do either of the following:

10 (a) Provide oversight authority in the investigation of the
11 crime and may initiate charges at the conclusion of the
12 investigation.

13 (b) Appoint a prosecuting attorney or assistant prosecuting
14 attorney who consents to the appointment to act as a special
15 prosecuting attorney to perform the duties of the prosecuting
16 attorney in the matter.

17 (3) A special prosecuting attorney appointed under this
18 section is vested with all of the powers of the prosecuting
19 attorney for the purpose of the appointment and during the period
20 of appointment, including the power to provide oversight authority
21 in the investigation of the crime and initiate charges.

22 (4) If the prosecuting attorney of a county determines that a
23 matter involves an allegation that a law enforcement officer used
24 excessive force or violated an individual's civil rights in the
25 course of his or her duties as a law enforcement officer, the
26 prosecuting attorney must notify the attorney general of the
27 allegation of the use of excessive force or a violation of an
28 individual's civil rights.

29 (5) On receipt of a notice under subsection (4), the attorney

1 general shall do either of the following:

2 (a) Provide oversight authority in the investigation of the
3 allegation of the use of excessive force or a violation of an
4 individual's civil rights.

5 (b) Pick an agency to investigate the allegation of use of
6 excessive force or a violation of an individual's civil rights by a
7 law enforcement officer.

8 (6) As used in this section, "crime" means that term as
9 defined in section 5 of the Michigan penal code, 1931 PA 328, MCL
10 750.5, which is committed in the course of the individual's duties
11 as a law enforcement officer.