

**SUBSTITUTE FOR
SENATE BILL NO. 1093**

A bill to require law enforcement agencies to regulate failures of law enforcement officers to intervene during the use or attempted use of excessive force; to permit law enforcement officers to report certain wrongful conduct observed by those law enforcement officers; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "law enforcement officer
2 duty to intervene act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means that term as defined in section 2 of
5 the Michigan commission on law enforcement standards act, 1965 PA
6 203, MCL 28.602.



1 (b) "Law enforcement agency" means that term as defined in
2 section 2 of the Michigan commission on law enforcement standards
3 act, 1965 PA 203, MCL 28.602.

4 (c) "Officer" means a law enforcement officer as that term is
5 defined in section 2 of the Michigan commission on law enforcement
6 standards act, 1965 PA 203, MCL 28.602.

7 Sec. 3. (1) Not later than 12 months after the effective date
8 of this act, each law enforcement agency in this state shall adopt
9 a written duty to intervene policy that requires an officer to act
10 to end or prevent the use or further use of objectively
11 unreasonable force by another officer and report the officer's
12 observations to an immediate supervisor.

13 (2) Each law enforcement agency in this state shall provide a
14 copy of the policy required under subsection (1) to an officer in
15 its employ and indicate that a violation of the policy is grounds
16 for disciplinary action.

17 (3) To meet the requirements of subsection (1), a law
18 enforcement agency may adopt the model duty to intervene policy
19 created by the commission under section 11 of the Michigan
20 commission on law enforcement standards act, 1965 PA 203, MCL
21 28.611.

22 (4) This act does not prohibit a law enforcement agency from
23 adopting a policy that exceeds the requirements of this act or adds
24 additional requirements to the policy adopted in accordance with
25 this section.

26 Enacting section 1. This act does not take effect unless
27 Senate Bill No. 1099 of the 102nd Legislature is enacted into law.

