

**SUBSTITUTE FOR**  
**HOUSE BILL NO. 5906**  
(As amended July 14, 2004)

A bill to allow governing boards of certain public bodies to create law enforcement agencies and grant certain powers and authority to law enforcement officers employed by those agencies; to require those law enforcement officers to meet certain standards; to prescribe certain powers and duties of those law enforcement agencies; to provide for certain powers of public bodies; and to provide for certain powers and duties of state and local agencies and officers.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "public body law enforcement agency act".

3       Sec. 2. As used in this act[:  
4       (a) "Governing entity" means either of the following, as applicable:  
5       (i) For any public body except a public body described in  
6       subparagraph (ii), the governing board of the public body.  
7       (ii) In the case of a public body that is a qualifying school  
8       district under part 5a of the revised school code, 1976 PA 451, MCL  
9       380.371 to 380.376, the chief executive officer of the school district,  
10       subject to the concurrence of the school reform board of the school  
11       district.

12       (b) "Public] body" means any of the  
13 following, within this state:

14       [(i)] A multicounty metropolitan district authorized and  
15 established pursuant to state law by 2 or more counties with a

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1 combined population of not less than 3,000,000, for the purpose  
2 of cooperative planning, promoting, acquiring, constructing,  
3 owning, developing, maintaining, or operating parks.

4 [(ii)] A school district in this state that has a membership of  
5 at least 20,000 pupils and that includes in its territory a city  
6 with a population of at least 180,000 as of the most recent  
7 federal decennial census.

8 Sec. 3. A public body may create a law enforcement agency  
9 by resolution of its governing [entity]. The public body may grant  
10 to law enforcement officers of that law enforcement agency the  
11 same powers, immunities, and authority as are granted by law to  
12 peace officers and police officers to detect crime and to enforce  
13 the criminal laws of this state and to enforce state laws, local  
14 ordinances, and the ordinances and regulations of the public  
15 body. Law enforcement officers to whom the authority of peace  
16 officers and police officers is granted under this section are  
17 considered peace officers of this state and have the authority of  
18 police officers provided under the Michigan vehicle code, 1949 PA  
19 300, MCL 257.1 to 257.923, and as provided under the code of  
20 criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

21 Sec. 4. (1) A public body shall not create a law  
22 enforcement agency under this act unless, before that agency is  
23 created, the governing [entity] obtains the approval of the  
24 prosecuting attorney [ ] of each county within which  
25 the public body owns, maintains, or controls property. If the  
26 property of the public body is located entirely within 1 city,  
27 township, or village, the public body also shall obtain the

1 approval of the chief of police of that city, township, or  
2 village. [If the property of the public body is not located entirely  
within 1 city, township, or village, the public body also shall obtain  
the approval of the sheriff of each county within which the public body  
owns, maintains, or controls property.] Before granting that approval,  
the prosecuting  
3 attorney, sheriff, and, if required, the chief of police shall  
4 make a determination that the proposed law enforcement agency is  
5 needed to assure adequate public safety on the property of the  
6 public body and that the proposed agency can comply with the  
7 minimum guidelines established under section 6.

8 (2) In addition to the requirements of subsection (1), before  
9 creating a law enforcement agency under this act, the governing  
10 [entity] shall hold not fewer than 2 public hearings in the proposed  
11 law enforcement agency's jurisdiction on the question of creating  
12 the proposed law enforcement agency. The governing [entity] shall  
13 make a record of the hearing and shall provide copies of the  
14 record to all of the prosecuting attorneys, sheriffs, and chiefs  
15 of police from whom approval is required by this section.

16 Sec. 5. (1) A public body that creates a law enforcement  
17 agency under this act shall appoint a law enforcement agency  
18 oversight committee consisting of not less than 6 individuals  
19 nominated and appointed by the governing [entity] of the public  
20 body, as follows:

21 (a) Two elected officials from a city, village, township, or  
22 county in which all or part of the property of the public body is  
23 located.

24 (b) Not less than 2 representatives of local law enforcement,  
25 1 of whom shall not be of supervisory or management rank.

26 (c) Two individuals representing the general public who  
27 reside within the proposed law enforcement agency's

1 jurisdiction.

2 (2) A law enforcement agency oversight committee shall  
3 receive and address [public complaints] concerning that law enforcement  
4 agency or its officers. The committee may recommend to the  
5 public body that an investigation be conducted regarding alleged  
6 misconduct by any law enforcement officer from that law  
7 enforcement agency.

8 (3) A law enforcement agency created under this act shall not  
9 begin operations until the oversight committee for that law  
10 enforcement agency is appointed and takes office.

11 Sec. 6. (1) A law enforcement agency created under this act  
12 shall comply with all of the following:

13 (a) The agency shall be funded by the appropriation of public  
14 funds only.

15 (b) The agency shall maintain liability insurance.

16 (c) The agency shall establish and abide by written policies  
17 pertaining to all of the following:

18 (i) The authority of its law enforcement officers, including  
19 the extent of those officers' authority to enforce the criminal  
20 laws of this state and other state laws, local ordinances, and  
21 ordinances and regulations of the public body. If the law  
22 enforcement officers of that agency are granted any additional  
23 authority through deputation by a county sheriff [or chief of police],  
the written  
24 policies shall describe that authority.

25 (ii) The specific geographic boundaries of the agency's  
26 jurisdiction.

27 (iii) The authority and responsibility of the chief law

1 enforcement officer of the agency.

2 (iv) Employee discipline.

3 (v) The legal status of agencies and personnel who respond to  
4 mutual aid requests.

5 (vi) Any other written policy or procedure consistent with a  
6 policy or procedure implemented by the sheriff or chief of police  
7 whose approval is required under section 4.

8 (vii) The requirements of section 9d of the commission on law  
9 enforcement standards act, 1965 PA 203, MCL 28.609d.

10 (viii) Any other policy or procedure required by statute.

11 (d) The agency shall develop and maintain an organizational  
12 chart describing the structure of the agency and the  
13 responsibilities and authority within the agency and shall  
14 develop and maintain written employment position descriptions for  
15 all personnel in the agency.

16 (2) A public body that creates a law enforcement agency under  
17 this act shall present written documentation of compliance with  
18 this section to each county prosecuting attorney and sheriff, [or]  
19 chief of police when applicable, before approval is granted under  
20 section 4. A copy of this documentation shall be filed with the  
21 commission on law enforcement standards along with written  
22 approval from all affected prosecuting attorneys, sheriffs, [or]  
23 chiefs of police.

24 (3) The public body shall maintain compliance with the  
25 requirements of this section. Failure to maintain these minimum  
26 standards shall constitute just cause for the county prosecuting  
27 attorneys and sheriffs [or chiefs of police], by unanimous written  
approval, to

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1 withdraw the approval granted under section 4. Before withdrawal  
2 of that approval, the prosecuting attorney and sheriff [or chief of  
3 police] shall hold  
4 not fewer than 2 public hearings in the law enforcement agency's  
5 jurisdiction on the question of whether maintenance of minimum  
6 standards has failed.

7       Sec. 7. (1) A public body that creates a law enforcement  
8 agency under this act shall comply with the requirements of  
9 section 9d of the commission on law enforcement standards act,  
10 1965 PA 203, MCL 28.609d.

11       (2) Law enforcement officers to whom the powers and authority  
12 of peace and police officers are granted under section 3 shall  
13 meet the minimum employment standards of the commission on law  
14 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

15       Sec. 8. (1) The governing board of a public body that is a  
16 multicounty metropolitan district may do the following:

17       (a) Adopt and amend all necessary rules, regulations, and  
18 ordinances for the management, government, and use of any  
19 property under its control, establish penalties for the violation  
20 of the rules, regulations, and ordinances, and enforce the  
21 penalties.

22       (b) Adopt and enact rules, regulations, and ordinances  
23 designed to safeguard the public peace and health and for the  
24 safety of persons and property upon or within the limits of the  
25 properties under its control. The subjects of the rules,  
26 regulations, and ordinances may include, but not be limited to,  
27 the proper policing and supervision of persons and property, the  
28 regulation or prohibition of parking, and the regulation of signs

1 and other things which may impede or make dangerous the use of  
2 roads, lanes, or thoroughfares, within the limits of the  
3 properties under the governing board's control.

4 (2) The governing board of the public body that adopts an  
5 ordinance under this section shall provide in each ordinance a  
6 sanction for violation of the ordinance. Violations may be  
7 punishable by imprisonment for not more than 93 days or a fine of  
8 not more than \$500.00, or both, if the violation substantially  
9 corresponds to a violation of state law that is a misdemeanor for  
10 which the maximum period of imprisonment is 93 days. To the  
11 extent permitted by state law, the governing board may adopt an  
12 ordinance that designates a violation of the ordinance as a state  
13 civil infraction and provides a civil fine for that violation.

14 (3) An ordinance passed by the governing board of a public  
15 body under this section shall be published once in a newspaper of  
16 general circulation within the territory of the public body. An  
17 ordinance is effective immediately upon its publication, unless a  
18 specific effective date that is subsequent to the date of the  
19 publication of the ordinance is provided for in the ordinance.  
20 The publication of a summary or a true copy of an ordinance after  
21 final passage, as a part of the published proceedings of the  
22 governing board, constitutes publication of the ordinance.

23 Sec. 9. (1) Except as provided in subsection (2), the  
24 jurisdiction of law enforcement officers appointed under section  
25 3 is limited to property owned or leased by the public body,  
26 wherever situated in this state, and shall extend to any public  
27 right-of-way traversing or immediately contiguous to the

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1 property. The jurisdiction of those law enforcement officers may  
2 be extended by state law governing peace officers [or through  
deputization by a county sheriff] if authorized  
3 by the governing [entity].

4 (2) Notwithstanding subsection (1), the jurisdiction of law  
5 enforcement officers who are granted powers and authority under  
6 section 3 and are employed by a school district shall include all  
7 territory within the boundaries of the school district and all  
8 property outside the boundaries of the school district that is  
9 owned, leased, or rented by or is otherwise under the legal  
10 control of the school district that employs the public safety  
11 officers.

12 (3) A public law enforcement agency established under section  
13 3 and each local law enforcement agency with which it has  
14 overlapping jurisdiction shall enter into a memorandum of  
15 understanding that establishes reasonable communication and  
16 coordination efforts between those law enforcement agencies. [If the  
public law enforcement agency is a qualifying school district under  
section 2(b)(ii), the memorandum of understanding shall also establish  
jurisdiction of the public law enforcement agency.]

17 (4) This act does not limit the jurisdiction of state,  
18 county, or municipal peace officers.

19 Sec. 10. A law enforcement agency created under this act  
20 shall submit monthly uniform crime reports pertaining to crimes  
21 occurring within the agency's jurisdiction to the department of  
22 state police in the manner prescribed in section 1 of 1968 PA  
23 319, MCL 28.251.