

# HOUSE BILL No. 5906

May 13, 2004, Introduced by Reps. Van Regenmorter, Condino, Ward, Brandenburg, Stahl, Pappageorge, Ruth Johnson, Stakoe, Nofs and Acciavatti and referred to the Committee on Criminal Justice.

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, "public body" means any of the  
4 following, within this state:

5           (a) A board, department, authority, commission, council, or  
6 agency of a county.

1 (b) A multicounty, multicity, or regional governing body or a  
2 metropolitan district.

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

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

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

1 village. Before granting that approval, the prosecuting  
2 attorney, sheriff, and, if required, the chief of police shall  
3 make a determination that the proposed law enforcement agency is  
4 needed to assure adequate public safety on the property of the  
5 public body and that the proposed agency can comply with the  
6 minimum guidelines established under section 6.

7 (2) In addition to the requirements of subsection (1), before  
8 granting the authority to the law enforcement officers of the  
9 public body under section 3, the governing board shall hold not  
10 fewer than 2 public hearings in the proposed law enforcement  
11 agency's jurisdiction on the question of whether those powers  
12 should be granted.

13 Sec. 5. (1) A public body that creates a law enforcement  
14 agency under this act shall appoint a law enforcement agency  
15 oversight committee consisting of 6 individuals nominated and  
16 appointed by the governing board of the public body, as follows:

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

20 (b) Two representatives of local law enforcement, 1 of whom  
21 shall not be of supervisory or management rank.

22 (c) Two individuals representing the general public who  
23 reside within the proposed law enforcement agency's  
24 jurisdiction.

25 (2) A law enforcement agency oversight committee shall  
26 receive and address grievances concerning that law enforcement  
27 agency or its officers. The committee may recommend to the

1 public body that an investigation be conducted regarding alleged  
2 misconduct by any law enforcement officer from that law  
3 enforcement agency.

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

7 Sec. 6. The Michigan commission on law enforcement  
8 standards, established by the commission on law enforcement  
9 standards act, 1965 PA 203, MCL 28.601 to 28.616, shall  
10 promulgate rules establishing minimum guidelines for the creation  
11 and operation of a law enforcement agency created under this  
12 act.

13 Sec. 7. (1) A public body that creates a law enforcement  
14 agency under this act shall comply with the requirements of  
15 section 9d of the commission on law enforcement standards act,  
16 1965 PA 203, MCL 28.609d.

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

21 Sec. 8. (1) The governing board of a public body that is a  
22 multicounty, multicity, or regional governing body or authority  
23 or a metropolitan district may do the following:

24 (a) Adopt and amend all necessary rules, regulations, and  
25 ordinances for the management, government, and use of any  
26 property under its control, establish penalties for the violation  
27 of the rules, regulations, and ordinances, and enforce the

1 penalties.

2 (b) Adopt and enact rules, regulations, and ordinances  
3 designed to safeguard the public peace and health and for the  
4 safety of persons and property upon or within the limits of the  
5 properties under its control. The subjects of the rules,  
6 regulations, and ordinances may include, but not be limited to,  
7 the proper policing and supervision of persons and property, the  
8 regulation or prohibition of parking, and the regulation of signs  
9 and other things which may impede or make dangerous the use of  
10 roads, lanes, or thoroughfares, within the limits of the  
11 properties under the governing board's control.

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

22 (3) An ordinance passed by the governing board of a public  
23 body under this section shall be published once in a newspaper of  
24 general circulation within the territory of the public body. An  
25 ordinance is effective immediately upon its publication, unless a  
26 specific effective date that is subsequent to the date of the  
27 publication of the ordinance is provided for in the ordinance.

1 The publication of a summary or a true copy of an ordinance after  
2 final passage, as a part of the published proceedings of the  
3 governing board, constitutes publication of the ordinance.

4       Sec. 9. (1) Except as provided in subsection (2), the  
5 jurisdiction of law enforcement officers appointed under section  
6 3 is limited to property owned or leased by the public body,  
7 wherever situated in this state, and shall extend to any public  
8 right-of-way traversing or immediately contiguous to the  
9 property. The jurisdiction of those law enforcement officers may  
10 be extended by state law governing peace officers if authorized  
11 by the governing board.

12       (2) Notwithstanding subsection (1), the jurisdiction of law  
13 enforcement officers who are granted powers and authority under  
14 section 3 and are employed by a school district shall include all  
15 territory within the boundaries of the school district and all  
16 property outside the boundaries of the school district that is  
17 owned, leased, or rented by or is otherwise under the legal  
18 control of the school district that employs the public safety  
19 officers.

20       (3) A public law enforcement agency established under section  
21 3 and each local law enforcement agency with which it has  
22 overlapping jurisdiction shall enter into a memorandum of  
23 understanding that establishes reasonable communication and  
24 coordination efforts between those law enforcement agencies.

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

27       Sec. 10. A law enforcement agency created under this act

1 shall submit monthly uniform crime reports pertaining to crimes  
2 occurring within the agency's jurisdiction to the department of  
3 state police in the manner prescribed in section 1 of 1968 PA  
4 319, MCL 28.251.