



# HOUSE BILL No. 4704

May 4, 1993, Introduced by Reps. Scott, Schroer, Gubow, Emerson, Brown, Curtis, Harder, Clack and Gire and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,  
entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan  
Compiled Laws, by adding section 355b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 355b to read as follows:

4 SEC. 355B. AN EMPLOYER SHALL NOT DISCHARGE OR DISCIPLINE A  
5 VOLUNTEER FIRE FIGHTER FOR BEING LATE FOR OR ABSENT FROM WORK  
6 BECAUSE HE OR SHE WAS RESPONDING TO AN EMERGENCY CALL. AN  
7 EMPLOYER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR.

1 apprehend or assist in the apprehension of an occupant of another  
2 moving motor vehicle, regardless of whether the driver of that  
3 motor vehicle is aware of the attempt.

4 (c) "Law enforcement agency" means a city, village, or town-  
5 ship police agency, a sheriff's department, the department of  
6 state police, the law enforcement division of the department of  
7 natural resources, or a public safety department of a 4-year  
8 institution of higher education whose officers are granted the  
9 powers and authority of peace and police officers pursuant to  
10 section 1 of Act No. 120 of the Public Acts of 1990, being sec-  
11 tion 390.1511 of the Michigan Compiled Laws.

12 (d) "Municipality" means a county, city, village, or  
13 township.

14 (e) "Office" means the office of criminal justice in the  
15 department of management and budget.

16 Sec. 3. (1) The high speed pursuit model policy commission  
17 is created. Each of the following may appoint 1 member and 1  
18 alternate member of the commission, pursuant to subsection (2):

19 (a) The department of state police.

20 (b) The Michigan association of chiefs of police.

21 (c) The Michigan sheriffs' association. Only an elected  
22 sheriff may serve as a member or alternate member of this  
23 association.

24 (d) The police agency of each city in this state with a pop-  
25 ulation of 1,000,000 or more individuals.

26 (e) The Michigan municipal league.

- 1 (f) The Michigan townships association.
- 2 (g) The Michigan association of counties.
- 3 (h) The fraternal order of police.
- 4 (i) The police officers' association of Michigan.
- 5 (j) The deputy sheriff association of Michigan.
- 6 (k) The Detroit police officers' association.
- 7 (l) The Michigan state police troopers association.
- 8 (m) The United auto workers, technical, office, and profes-
- 9 sional department.
- 10 (n) The state bar of Michigan.
- 11 (o) The Michigan trial lawyers association.
- 12 (p) The prosecuting attorneys association of Michigan.
- 13 (q) The people of the state of Michigan.
- 14 (2) Except for the people of the state of Michigan, if an
- 15 entity listed in subsection (1) appoints a commission member or
- 16 alternate member, the appointment shall be made according to the
- 17 entity's own rules and procedures. If a commission member is
- 18 appointed for the people of the state of Michigan, the governor
- 19 shall appoint the commission member or alternate member.
- 20 (3) A majority of commission members appointed constitutes a
- 21 quorum.
- 22 (4) The commission shall convene its first meeting within 90
- 23 days after the effective date of this act, at which the members
- 24 shall elect a member as chairperson.
- 25 (5) Following its first meeting, the commission shall meet
- 26 as often as necessary to fulfill its duties under this act.

1 Either the chairperson or a majority of the appointed members may  
2 call a meeting upon 7 days' written notice to the members.

3 (6) The law enforcement council created under the Michigan  
4 law enforcement officers training council act of 1965, Act  
5 No. 203 of the Public Acts of 1965, being sections 28.601 to  
6 28.616 of the Michigan Compiled Laws, and the office shall assist  
7 the commission in performing its duties, including providing  
8 facilities for commission meetings and necessary office and cler-  
9 ical assistance.

10 Sec. 4. Within 1 year after its first meeting, the commis-  
11 sion shall develop a model policy or alternative model policies  
12 concerning high speed pursuit suitable for use by all law  
13 enforcement agencies. A model policy shall include all of the  
14 following:

15 (a) Definitions indicating the model policy's coverage.

16 (b) The circumstances warranting initiating, maintaining, or  
17 terminating high speed pursuit, including a balancing of the fol-  
18 lowing factors:

19 (i) The risks to the physical safety of law enforcement  
20 agency employees and the public, including bystanders, of initi-  
21 ating or maintaining high speed pursuit.

22 (ii) The danger to society of not effecting immediate appre-  
23 hension, including consideration of the seriousness and immediacy  
24 of the threat posed by the pursued person and the adequacy of  
25 alternative apprehension methods.

1 (c) Procedures for initiating, maintaining, and terminating  
2 high speed pursuit, including provisions that accomplish the  
3 following:

4 (i) Give authority to prohibit, modify, or terminate a high  
5 speed pursuit to a law enforcement agency employee other than an  
6 employee actively engaged in the pursuit.

7 (ii) Govern high speed pursuits crossing jurisdictional  
8 boundaries.

9 (d) Permissible high speed pursuit methods and tactics,  
10 including the use of firearms and procedures to be used after the  
11 pursued vehicle has stopped.

12 (e) Provisions for a law enforcement agency internally to  
13 monitor the effects of its high speed pursuit policy.

14 (f) Guidelines for training law enforcement agency employees  
15 to comply with an adopted high speed pursuit policy.

16 (g) All other provisions the commission considers necessary  
17 for a high speed pursuit model policy or policies.

18 Sec. 5. The commission shall report the model policy or  
19 alternative model policies to the legislature and each law  
20 enforcement agency. The report to the legislature shall include  
21 a discussion of the advisability of each of the following:

22 (a) Amending section 603, 632, or 653 of the Michigan vehi-  
23 cle code, Act No. 300 of the Public Acts of 1949, being sections  
24 257.603, 257.632, and 257.653 of the Michigan Compiled Laws, to  
25 conform to the model policy or an alternative model policy.

26 (b) A continuing role for the commission after the report to  
27 encourage adoption of a model policy and to monitor its effects.

1       Sec. 6. Within 1 year after the effective date of this act,  
2 each law enforcement agency shall adopt a high speed pursuit  
3 policy that includes all of the considerations described in  
4 section 4. A law enforcement agency that has not adopted such a  
5 policy within 1 year after the effective date of this act shall  
6 adopt a model policy or alternative model policy developed pursu-  
7 ant to section 4. A law enforcement agency that has a high speed  
8 pursuit policy satisfying the requirements of this section is not  
9 required to revise its policy to conform to the commission's  
10 model policy or an alternative model policy.

11       Sec. 7. The commission's business shall be conducted in  
12 compliance with the open meetings act, Act No. 267 of the Public  
13 Acts of 1976, being sections 15.261 to 15.275 of the Michigan  
14 Compiled Laws.

15       Sec. 8. A writing prepared, owned, used, in the possession  
16 of, or retained by the commission in the performance of an offi-  
17 cial function shall be made available to the public in compliance  
18 with the freedom of information act, Act No. 442 of the Public  
19 Acts of 1976, being sections 15.231 to 15.246 of the Michigan  
20 Compiled Laws.

21       Sec. 9. Commission members shall serve without  
22 compensation.