

HOUSE BILL No. 5659

March 11, 1998, Introduced by Reps. Sanborn, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Middleton, Galloway, Bodem, Geiger, Llewellyn, Oxender, Bobier, Gilmer, Walberg, Birkholz, Crissman, Cassis and Jellema and referred to the Committee on Judiciary.

A bill to amend 1935 PA 59, entitled

"An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,"

by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The commissioner and each officer of the depart-
2 ment are vested with the powers of a conservator of the peace.
3 They may also apply to any judicial officer of the state for the
4 issuance of search warrants, warrants of arrest or any other

1 criminal process, or orders necessary ~~where~~ WHEN the
2 institution of criminal proceedings for the discovery or punish-
3 ment of a felony or a misdemeanor of any degree is ordered in
4 writing by the attorney general in any case where the proper
5 prosecuting attorney fails or refuses to act or give his or her
6 approval. The commissioner and each officer of the department
7 ~~are granted~~ HAVE all the immunities and matters of defense
8 available ~~or hereafter made available~~ to conservators of the
9 peace or sheriffs, or both, in any action brought against them by
10 virtue of acts done in the course of their employment.

11 (2) Any member of the department may serve and execute all
12 criminal and civil process, when directed to do so by the gover-
13 nor or the attorney general, in actions and matters in which the
14 state is a party. The commissioner and the department ~~shall be~~
15 ARE under the immediate control and direction of the governor,
16 and any member of the department may be employed by the attorney
17 general in any investigation or matter under the jurisdiction of
18 his or her department.

19 (3) The commissioner may, upon the order of the governor,
20 call upon any sheriff or other police officer of any county,
21 city, township, or village, within the limits of their respective
22 jurisdictions, for aid and assistance in the performance of any
23 duty imposed by this act. Upon being notified or called upon for
24 aid and assistance, the officer concerned shall comply with the
25 order to the extent requested. Refusal or neglect to comply with
26 the order is misfeasance in office, and shall subject the officer

1 refusing or neglecting to comply with the order to removal from
2 office.

3 (4) The commissioner shall formulate and put into effect
4 plans and means of cooperating with the local police and peace
5 officers throughout the state for the purpose of the prevention
6 and discovery of crimes and the apprehension of criminals. Local
7 police and peace officers shall cooperate with the commissioner
8 in those plans and means. Every telegraph and telephone company
9 operating within this state shall grant priority of service to
10 the police agencies and to the state police when notified that
11 the service is urgent and in the interests of the public safety.

12 (5) The commissioner and all officers of the department
13 ~~shall~~ have ~~and exercise~~ all the powers of deputy sheriffs in
14 the execution of the criminal laws of the state and of all laws
15 for the discovery and prevention of crime, and ~~shall~~ have
16 authority to make arrests without warrants for all violations of
17 the law committed in their presence, including laws designed for
18 the protection of the public in the use of the highways of the
19 state, and to serve and execute all criminal process. The com-
20 missioner and all officers of the department also ~~shall~~ have
21 the authority to exercise the powers of deputy sheriffs in the
22 execution of civil bench warrants issued by a circuit court pur-
23 suant to any domestic relations matter AND TO SERVE A PERSONAL
24 PROTECTION ORDER OR ARREST AN INDIVIDUAL WHO IS VIOLATING OR HAS
25 VIOLATED A PERSONAL PROTECTION ORDER ISSUED UNDER SECTION 2950 OR
26 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
27 600.2950 AND 600.2950A. The commissioner and all officers of the

1 department shall cooperate with other state authorities and local
2 authorities in detecting crime, apprehending criminals, and pre-
3 serving law and order throughout the state.

4 Enacting section 1. This amendatory act takes effect
5 September 1, 1998.