

Legislative Analysis



LAW ENFORCEMENT OFFICERS MEMORIAL ACT

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House Bill 5494 as enrolled
Public Act 177 of 2004
Sponsor: Rep. Larry Julian
House Committee: Judiciary
Senate Committee: Judiciary

Second Analysis (1-14-05)

BRIEF SUMMARY: The bill would create the Michigan Law Enforcement Officers Memorial Act, create a monument fund, establish a commission to oversee the fund and the construction of a memorial monument to law enforcement officers slain in the line of duty, and provide for the dissolution of the commission and fund after the monument was completed.

FISCAL IMPACT: This bill could result in minor administrative costs by the Department of Management and Budget and the Department of Treasury. Costs to local governments related to court and criminal justice actions for prosecution of misdemeanors are indeterminate.

THE APPARENT PROBLEM:

For several years there has been an ongoing discussion regarding erecting a memorial monument to honor Michigan law enforcement officers who have been killed in the line of duty. A monument to fallen fire fighters was erected in Roscommon a few years ago, but there currently is no similar memorial to honor slain law enforcement officers. Some believe that an important first step would be to enact legislation to create a commission to oversee the design and construction of a memorial and a fund to receive public and private donations.

THE CONTENT OF THE BILL:

Michigan Law Enforcement Officers Memorial Monument Fund. The bill would establish the Michigan Law Enforcement Officers Memorial Monument Fund as a separate fund within the Department of Treasury. The state treasurer would have to seek federal tax status for the fund and credit to the fund any money appropriated to the monument fund or received from public and private sources, as well as accrued interest.

Any fund-raising activities conducted to raise money for the memorial fund would have to be approved in writing from the Michigan Law Enforcement Officers Memorial Monument Fund Commission and could not include telemarketing. Using the name or logo of the fund or commission in a fund-raising activity without prior written approval would be prohibited. A violation of the bill's restrictions on fund-raising activities would

be a misdemeanor for each separate violation punishable by imprisonment for not more than one year, a fine not to exceed \$1,000, or both.

Any balance remaining at the time the monument was completed would be used to maintain the memorial monument.

Michigan Law Enforcement Officers Memorial Monument. The financing, design, and construction of a memorial monument dedicated to Michigan law enforcement officers who died in the line of duty would be overseen by the commission. The names of each slain officer would have to be inscribed on the monument. The monument would be located on land under the jurisdiction of the Michigan Capitol Park Commission but could not be located on the grounds of the State Capitol.

The Michigan Law Enforcement Officers Memorial Monument Fund Commission would be created as a Type II agency within the Department of Management and Budget and would be the governing body of the monument fund. The bill would prescribe commission membership (which would include survivors of slain officers), establish four-year terms, and provide for filling vacancies and removing members for such things as incompetence or dereliction of duty. The commission would have to initially convene within six months after the first deposit of money into the fund and meet thereafter as necessary to expedite completion of the monument.

Commission members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of commission duties. A simple majority would constitute a quorum for conducting business; all business would have to be conducted in compliance with the Open Meetings Act; and writings owned, used, prepared, etc. by the commission in the performance of an official function would be available to the public under provisions of the Freedom of Information Act.

Duties would include overseeing the financing, design, and construction of the memorial monument. The commission would have to solicit designs for the monument and select the final design. The commission could also accept grants or gifts from the federal government and private and public corporations, organizations, foundations, or other sources. Money received under this provision would be transmitted by the commission to the state treasurer for deposit in the memorial monument fund. Acceptance or use of federal money would not commit state money and would not obligate the state to complete the memorial project. The commission would be dissolved after the construction of the monument and payment of all amounts due in connection with the monument were completed.

ARGUMENTS:

For:

Over 500 Michigan law enforcement officers have given their lives in the line of duty. It is only fitting that a permanent memorial be erected to honor the memory of each of these brave officers who died trying to serve and protect the residents of the state. The bill

would be an important first step in realizing the memorial by creating a fund to hold monies raised for that purpose and establishing a commission to oversee the design selection and construction.

Although the memorial would not be directly located on the Capitol grounds, it would have to be located nearby, perhaps close to the memorial recently built to honor Michigan soldiers who died in Vietnam. A memorial was built several years ago to honor fallen Michigan firefighters; it is time to pay a similar tribute to law enforcement officers who have also made the ultimate sacrifice.

By making a violation of the bill's fund-raising provisions a one-year misdemeanor, certain fingerprinting requirements will be triggered, including sending a copy of the fingerprints to the FBI for inclusion in the national fingerprint database. This will enable law enforcement agencies to track repeat offenders, as many fund-raising scam artists tend to move from one geographic location in the state to another in their search for more victims.

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