

HOUSE BILL No. 4960

September 14, 2017, Introduced by Reps. Neeley, Chirkun, Phelps, Faris, Scott, Byrd, Lasinski, Yanez, Zemke, Geiss, Chang, Hoadley, Hammoud, Gay-Dagnogo, Moss, Sowerby, Love, Elder, Wittenberg, Camilleri, Rabhi, Garrett, Ellison and Jones and referred to the Committee on Law and Justice.

A bill to create the state police motor vehicle pursuit policy act; to regulate motor vehicle pursuits by the department of state police in certain municipalities; and to prescribe the powers and duties of certain state and local agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "state
2 police motor vehicle pursuit policy act".

3 Sec. 2. As used in this act:

4 (a) "Local pursuit policy" means a written policy in a
5 municipality providing the standards by which a peace officer
6 within the boundaries of that municipality may conduct motor
7 vehicle pursuits.

8 (b) "Motor vehicle pursuit" means an active attempt by a peace
9 officer, who is operating a motor vehicle, to apprehend an

1 individual, who is also operating a motor vehicle, while the
2 individual is trying to avoid capture by using high-speed driving
3 or other evasive tactics including, but not limited to, driving off
4 any surface, excluding interstate highways, that accommodates motor
5 vehicle or pedestrian traffic, making sudden or unexpected
6 movements, or driving on the wrong side of the road.

7 (c) "Municipality" means a city whose law enforcement agency
8 is supported by the department of state police's secure cities
9 partnership initiative.

10 (d) "Peace officer" means a sheriff or sheriff's deputy, a
11 village or township marshal, an officer of the police department of
12 any city, village, or township, an officer of the department of
13 state police, or any peace officer who is trained and licensed
14 under the Michigan commission on law enforcement standards act,
15 1965 PA 203, MCL 28.601 to 28.615.

16 Sec. 3. All of the following conditions apply with respect to
17 motor vehicle pursuits conducted by a peace officer or peace
18 officers of the department of state police within the bounds of a
19 municipality:

20 (a) If the municipality has adopted a local pursuit policy,
21 the pursuit must be conducted in conformity with the municipality's
22 local pursuit policy.

23 (b) Any peace officer of a municipality that has adopted a
24 local pursuit policy has the authority to order the end of a motor
25 vehicle pursuit conducted by a peace officer or peace officers of
26 the department of state police within that municipality if that
27 motor vehicle pursuit does not conform to the municipality's local

1 pursuit policy.

2 (c) If a municipality does not have a local pursuit policy,
3 officers of the department of state police shall conduct a motor
4 vehicle pursuit in that municipality in conformity with the
5 policies of the department of state police.

6 Sec. 4. During a motor vehicle pursuit, a peace officer
7 initiating the motor vehicle pursuit shall immediately notify the
8 dispatcher that the peace officer is in a motor vehicle pursuit and
9 shall report the following information:

10 (a) Known violation or reason for the pursuit.

11 (b) Description of the pursued vehicle.

12 (c) Location and direction of travel of the pursued vehicle.

13 (d) Speed of the pursued vehicle.

14 (e) Number of known occupants in the vehicle.

15 (f) Type of weapons in the vehicle, if known.

16 Sec. 5. Any peace officer involved in a motor vehicle pursuit
17 that begins in 1 county, city, village, or township and crosses
18 into another county, city, village, or township in which the notice
19 under section 4 was not given may give the notice required under
20 section 4 to the dispatcher in the other county, city, village, or
21 township.

22 Enacting section 1. This act takes effect 90 days after the
23 date it is enacted into law.