

## Chapter 51

### SHERIFFS

#### Revised Statutes of 1846

#### R.S. of 1846

#### Chapter 14 Chapter 14. Of county officers. OF SHERIFFS.

##### **51.68 Sheriff; bond; penal sum; approval; surety.**

Sec. 68.

As determined by the county board of commissioners, the sheriff either shall be covered by a blanket bond or shall give a bond to the people of this state in the penal sum of at least \$10,000.00. The individual bond shall be approved by the county board of commissioners, and secured by a surety company authorized to do business in this state.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 409 ;-- CL 1871, 550 ;-- How. 578 ;-- CL 1897, 2577 ;-- CL 1915, 2441 ;-- CL 1929, 1323 ;-- CL 1948, 51.68 ;-- Am. 1964, Act 255, Imd. Eff. May 28, 1964 ;-- Am. 1974, Act 25, Imd. Eff. Feb. 26, 1974 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

**Compiler's Notes:** This section as originally enacted was numbered section 69.

##### **51.69 Sheriff; bond; condition.**

Sec. 69.

The condition of an individual bond required under section 68 of this chapter shall be in substance as follows:  
"..... has been elected to the office of sheriff of the county of ....., at the general election held in the county, or at a special election held in the county, on the ..... day of ..... shall be required to well and faithfully perform and execute the office of sheriff of the county of ....., during his or her continuance in office by virtue of the election, without fraud, deceit, or oppression, and shall pay over all money that may come into his or her hands as sheriff."

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 410 ;-- CL 1871, 551 ;-- How. 579 ;-- CL 1897, 2578 ;-- CL 1915, 2442 ;-- CL 1929, 1324 ;-- CL 1948, 51.69 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

**Compiler's Notes:** This section as originally enacted was numbered section 70.

##### **51.70 Deputy sheriffs; appointment; revocation; special deputies; responsibility for acts, defaults, and misconduct; bond.**

Sec. 70.

Each sheriff may appoint 1 or more deputy sheriffs at the sheriff's pleasure, and may revoke those appointments at any time. Persons may also be deputed by a sheriff, by an instrument in writing, to do particular acts, who shall be known as special deputies and each sheriff may revoke those appointments at any time. A sheriff shall not be

responsible for the acts, defaults, and misconduct in office of a deputy sheriff. The appointed deputy or deputies, other than special deputies, before entering upon the duties of office shall execute and file with the county clerk an official bond running to the people of this state in the amount of at least \$2,500.00, if the county board of commissioners determines an individual bond is necessary, which bond shall be conditioned in the same manner as the bond required of the sheriff, and with sufficient sureties as the presiding judge of the circuit court for the county approves. A county by resolution of its county board of commissioners may pay premiums on the individual bond running to the people of this state in the amount of at least \$2,500.00 as prescribed by the county board of commissioners. A bond required by this section shall be conditioned in the same manner as the bond required for the sheriff and have sufficient sureties.

**History:** R.S. 1846, Ch. 14 ;-- Am. 1847, Act 105, Eff. May 16, 1847 ;-- CL 1857, 411 ;-- CL 1871, 552 ;-- How. 580 ;-- CL 1897, 2579 ;-- CL 1915, 2443 ;-- CL 1929, 1325 ;-- CL 1948, 51.70 ;-- Am. 1952, Act 110, Eff. Sept. 18, 1952 ;-- Am. 1954, Act 137, Eff. Aug. 13, 1954 ;-- Am. 1959, Act 150, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 183, Imd. Eff. Aug. 5, 1969 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

**Compiler's Notes:** This section as originally enacted was numbered section 71.

### **51.71 Undersheriff; appointment, vacancies.**

Sec. 71.

The sheriff of each county shall, as soon as may be after entering upon the execution of his office, appoint some proper person under sheriff of the same county, who shall also be a general deputy, to hold during the pleasure of such sheriff; and as often as a vacancy shall occur in the office of such under sheriff, or he become incapable of executing the same, another shall in like manner be appointed in his place.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 412 ;-- CL 1871, 553 ;-- How. 581 ;-- CL 1897, 2580 ;-- CL 1915, 2444 ;-- CL 1929, 1326 ;-- CL 1948, 51.71

**Compiler's Notes:** This section as originally enacted was numbered section 72.

### **51.72 Undersheriff; executing office of sheriff; effect of default or misfeasance.**

Sec. 72.

If a vacancy occurs in the office of sheriff of a county, the undersheriff of the county shall in all things execute the office of sheriff, until a sheriff is elected and qualified. A default or misfeasance in office of an undersheriff in that capacity, shall be considered to be a breach of the condition of the bond given on behalf of or by the sheriff who appointed the undersheriff, and also a breach of the condition of the bond executed on behalf of or by the undersheriff to the sheriff by whom the undersheriff was appointed.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 413 ;-- CL 1871, 554 ;-- How. 582 ;-- CL 1897, 2581 ;-- CL 1915, 2445 ;-- CL 1929, 1327 ;-- CL 1948, 51.72 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

**Compiler's Notes:** This section as originally enacted was numbered section 73.

### **51.73 Sheriff; appointments and revocations, form, filing; oaths of office.**

Sec. 73.

Every appointment of an under sheriff, or of a deputy sheriff, and every revocation thereof, shall be in writing under the hand of the sheriff, and shall be filed and recorded in the office of the clerk of the county; and every such under sheriff or deputy shall, before he enters upon the duties of his office, take the oath prescribed by the twelfth article of the constitution of this state. But this section shall not extend to any person who may be deputed by any sheriff to do a particular act only.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 414 ;-- CL 1871, 555 ;-- How. 583 ;-- CL 1897, 2582 ;-- CL 1915, 2446 ;-- CL 1929, 1328 ;-- CL 1948, 51.73

**Compiler's Notes:** This section as originally enacted was numbered section 74. In this section, "the twelfth article of the constitution" refers to the Constitution of 1835. See now Const. 1963, Art. XI, Â§ 1.

#### **51.74 Sheriff and deputy sheriff; renewal of security.**

Sec. 74.

If an individual bond is required under section 68 or 70 of this chapter, each sheriff, within 20 days after the first Monday in January in each year, and each deputy sheriff before the expiration of an individual bond required under section 68 or 70 of this chapter, shall renew the security required to be given before entering upon the duties of office. The renewed security shall be in the same amount, be given in the same manner, and be subject in all respects to the same regulations, as the original security required from the sheriff or deputy sheriff.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 415 ;-- CL 1871, 556 ;-- How. 584 ;-- CL 1897, 2583 ;-- CL 1915, 2447 ;-- CL 1929, 1329 ;-- CL 1948, 51.74 ;-- Am. 1952, Act 110, Eff. Sept. 18, 1952 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

**Compiler's Notes:** This section as originally enacted was numbered section 75.

#### **51.75 Sheriff; custody of county jails.**

Sec. 75.

The sheriff shall have the charge and custody of the jails of his county, and of the prisoners in the same; and shall keep them himself, or by his deputy or jailer.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 416 ;-- CL 1871, 557 ;-- How. 585 ;-- CL 1897, 2584 ;-- CL 1915, 2448 ;-- CL 1929, 1330 ;-- CL 1948, 51.75 ;-- Am. 1952, Act 110, Eff. Sept. 18, 1952

**Compiler's Notes:** This section as originally enacted was numbered section 76.

#### **51.76 "County primary roads," "county local roads," and "state trunk line highways" defined; sheriff's department to provide certain services; resolution requesting services; resolution requesting vehicle inspection program; concurrent resolution requiring reduction of general services; presumption; construction.**

Sec. 76.

(1) As used in this section, "county primary roads", "county local roads", and "state trunk line highways" mean the same as those terms are defined in Act No. 51 of the Public Acts of 1951, as amended, being sections 247.651 to 247.673 of the Michigan Compiled Laws. However, state trunk line highways does not include freeways as defined in section 18a of Act No. 300 of the Public Acts of 1949, being section 257.18a of the Michigan Compiled Laws.

(2) Each sheriff's department shall provide the following services within the county in which it is established and shall be the law enforcement agency primarily responsible for providing the following services on county primary roads and county local roads within that county, except for those portions of the county primary roads and county local roads within the boundaries of a city or village; and on those portions of any other highway or road within the boundaries of a county park within that county:

(a) Patrolling and monitoring traffic violations.

(b) Enforcing the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while providing the patrolling and monitoring required by this subsection.

(c) Investigating accidents involving motor vehicles.

(d) Providing emergency assistance to persons on or near a highway or road patrolled and monitored as required by this subsection.

(3) Upon request, by resolution, of the legislative body of a city or village, the sheriff's department of the county in which the city or village is located shall provide the services described in subsection (2)(a), (c), and (d) on those portions of county primary roads and county local roads and state trunk line highways within the boundaries of the city or village, which are designated by the city or village in the resolution. Upon request, by resolution, of the legislative body of a city or village, the sheriff's department of the county in which the city or village is located shall provide a vehicle inspection program on those portions of the county primary roads and county local roads within the boundaries of the city or village, which are designated by the legislative body of the city or village in the resolution. A resolution adopted by a city or village under this subsection shall not take effect unless the resolution is approved by the county board of commissioners of the county in which the city or village is located. A resolution of the city or village which is neither approved or disapproved by the county board of commissioners within 30 days after the resolution is received by the county board of commissioners shall be considered approved by the county board of commissioners. A resolution adopted by a city or village to request services under this subsection shall be void if the city or village reduces the number of sworn law enforcement officers employed by the city or village below the highest number of sworn law enforcement officers employed by the city or village at any time within the 36 months immediately preceding the adoption of the resolution. A concurrent resolution adopted by a majority vote of the Senate and the House of Representatives which states that the city or village is required to reduce general services because of economic conditions and is not reducing law enforcement services shall be presumptive that the city or village has not violated the strictures of this subsection.

(4) This section shall not be construed to decrease the statutory or common law powers and duties of the law enforcement agencies of this state or of a county, city, village, or township of this state.

**History:** Add. 1978, Act 416, Eff. Oct. 1, 1978

**Compiler's Notes:** Former Sec. 76 of Ch. 14 of R.S. 1846 was repealed by Act 314 of 1915.

**51.77 Secondary road patrol and traffic accident prevention; grant; agreement; information; report to office of highway safety planning; effect of reducing expenditures or level of road patrol; recommendations for expenditure of grant; expanded services; allocation formula; annual report; law enforcement plan; report to legislature; impact and cost effectiveness study.**

Sec. 77.

(1) Before a county obtains its grant from the amount annually appropriated for secondary road patrol and traffic accident prevention to implement section 76, the county shall enter into an agreement for the secondary road patrol and traffic accident prevention services with the office of highway safety planning. A county applying for a grant for secondary road patrol and traffic accident prevention shall provide information about the services to be provided under section 76 by the sheriff's department of the county. The information required under this subsection must be submitted on forms provided by the office of highway safety planning. By April 1 of each year following a year for which the county received an allocation, a county that receives a grant for secondary road patrol and traffic accident prevention shall submit a report to the office of highway safety planning on a form provided by the office of highway safety planning. The report must contain the information described in subsection (6). An agreement entered pursuant to this section is void if the county reduces its expenditures or level of road patrol below that which the county was expending or providing immediately before October 1, 1978, or October 1, 2021, whichever year the expenditures or level of road patrol is less, unless the county is required to reduce general services because of economic conditions and is not merely reducing law enforcement services.

(2) A grant received by a county for secondary road patrol and traffic accident prevention must be expended only for the purposes described in section 76 in accordance with the recommendations of the sheriff of that county that are approved by the county board of commissioners. The recommendations must include the following matters:

(a) Employing additional personnel to provide the services described in section 76(2) and (3).

(b) Purchasing additional equipment for providing the services described in section 76(2) and (3) and operating and maintaining that equipment.

(c) Enforcing laws in state parks and county parks within the county.

(d) Providing selective motor vehicle inspection programs.

(e) Providing traffic safety information and education programs in addition to those programs provided before September 28, 1978.

(3) The sheriff's department of a county is required to provide the expanded services described in section 76 only

to the extent that state funds are provided.

(4) For the fiscal years beginning October 1, 1980, and October 1, 1981, a county's share of the amount annually appropriated for secondary road patrol and traffic accident prevention must be the same percentage that the county received, or was eligible to receive, of the total amount allocated to all counties under section 12 of 1951 PA 51, MCL 247.662, less the amounts distributed for snow removal and engineers, during the period of July 1, 1976, through June 30, 1977. County primary roads and county local roads within the boundaries of a city or village must not be used in determining the percentage under this section unless the sheriff's department of the county is providing the services described in section 76(2) and (3) within the city or village pursuant to an agreement between the county and the city or village adopted after October 1, 1978. The agreement must not be reimbursable under the formula described in this subsection unless the city or village is required to reduce general services because of economic conditions and is not merely reducing law enforcement services.

(5) From the amount annually appropriated for secondary road patrol and traffic accident prevention, the office of highway safety planning may be allocated up to 1% for administrative, planning, and reporting purposes.

(6) The annual report required under subsection (1) must include the following:

(a) A description of the services provided by the sheriff's department of the county under section 76, other than the services provided in a county park.

(b) A description of the services provided by the sheriff's department of the county under section 76 in county parks in the county.

(c) A copy of each resolution by a city or village of the county which requests the sheriff's department of the county to provide the services described in section 76.

(d) A copy of each contract between a county and a township of the county in which township the sheriff's department is providing a law enforcement service.

(e) The recommendations of the sheriff's department of the county on methods of improving the services provided under section 76; improving the training programs of law enforcement officers; and improving the communications system of the sheriff's department.

(f) The total number of sworn officers in the sheriff's department.

(g) The number of sworn officers in the sheriff's department assigned to road safety programs.

(h) The accident and fatality data for incorporated and unincorporated areas of the county during the preceding calendar year.

(i) The crime statistics for the incorporated and unincorporated areas of the county during the preceding calendar year.

(j) The law enforcement plan developed under subsection (7).

(k) A description of the role alcohol played in the incidences of personal injury traffic accidents and traffic fatalities in the county.

(l) Other information required by the department of technology, management, and budget.

(7) The sheriff of each county and the director of the department of state police, or their authorized representatives shall meet and develop a law enforcement plan for the unincorporated areas of the county. The law enforcement plan must be reviewed and updated periodically.

(8) Before May 1 of each year, the office of highway safety planning shall submit a report to the legislature. The report must contain the following:

(a) A copy of each initial report filed before April 1 of that year and a copy of each annual report filed before April 1 of that year under subsection (6).

(b) The recommendations of the office of highway safety planning on methods of improving the coordination of the law enforcement agencies of this state and the counties, cities, villages, and townships of this state; improving the training programs for law enforcement officers; and improving the communications systems of those agencies.

(c) A description of the role alcohol played in the incidences of personal injury traffic accidents and traffic fatalities in this state.

(9) From the 1% allocated to the office of highway safety planning for administration, planning, and reporting, the office of highway safety planning shall conduct an impact and cost effectiveness study that will review state, county, and local road patrol and traffic accident prevention efforts. This study must be conducted in cooperation with the Michigan Sheriffs' Association and the Michigan Association of Chiefs of Police, and the department of state police. Annual reports on results of the study must be submitted to the senate and house appropriations committees by April 1 of each year.

**History:** Add. 1978, Act 416, Eff. Oct. 1, 1978 ;-- Am. 1979, Act 103, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 70, Imd. Eff. Apr. 3, 1980 ;-- Am. 1980, Act 349, Imd. Eff. Dec. 29, 1980 ;-- Am. 1981, Act 94, Imd. Eff. July 12, 1981 ;-- Am. 1982, Act 313, Imd. Eff. Oct. 15, 1982 ;-- Am. 2022, Act 191, Imd. Eff. Sept. 27, 2022

**Compiler's Notes:** This section, as amended by Act 94 of 1981, expired by its own terms effective September 30, 1982. Following expiration, the expired section was amended by Act 313 of 1982. For transfer of administration and distribution of secondary road patrol and traffic prevention funds to Office of Highway Safety Planning, Department of State Police, see E.R.O. No. 1989-1, compiled at MCL 28.31 of the Michigan Compiled Laws. Former section 77 of R.S. 1846, Ch. 14, was repealed by Act 314 of 1915.

#### **51.78 Repealed. 1952, Act 110, Eff. Sept. 18, 1952.**

**Compiler's Notes:** The repealed section provided that default of deputy should be adjudged a breach of sheriff's bond.

#### **51.79 Survival of action against sheriff or deputies.**

Sec. 79.

Any action for the malfeasance, misfeasance, or nonfeasance of a sheriff or any of his deputies, may be prosecuted against the executors or administrators of such sheriff, in like manner as if the cause of action survived at common law.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 420 ;-- CL 1871, 561 ;-- How. 589 ;-- CL 1897, 2588 ;-- CL 1915, 2450 ;-- CL 1929, 1332 ;-- CL 1948, 51.79

**Compiler's Notes:** This section as originally enacted was numbered section 80.

#### **51.82 Sheriff; services to state; payment.**

Sec. 82.

If a sheriff is required, by any statutory provision, to perform any service, in behalf of the people of this state and for their benefit, that is not chargeable by law to his or her county, or to some officer or other person, his or her account for such services shall be audited by the state treasurer and paid out of the state treasury.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 423 ;-- CL 1871, 564 ;-- How. 592 ;-- CL 1897, 2591 ;-- CL 1915, 2451 ;-- CL 1929, 1333 ;-- CL 1948, 51.82 ;-- Am. 2002, Act 374, Imd. Eff. May 24, 2002

**Compiler's Notes:** This section as originally enacted was numbered section 83.

#### **51.83 Sheriff's office; notice, office hours.**

Sec. 83.

It shall be the duty of the sheriff of every county to keep an office at the place where the courts for such county are held, of which he shall file a notice in the office of the clerk of the county; and to keep the same open during the usual business hours each day, Sundays excepted.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 424 ;-- CL 1871, 565 ;-- How. 593 ;-- CL 1897, 2592 ;-- CL 1915, 2452 ;-- CL 1929, 1334 ;-- CL 1948, 51.83

**Compiler's Notes:** This section as originally enacted was numbered section 84.

#### **51.84 Service of papers at sheriff's office.**

Sec. 84.

Every notice or other paper which shall be required to be served on any sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such notice or paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal service on such sheriff.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 425 ;-- CL 1871, 566 ;-- How. 594 ;-- CL 1897, 2593 ;-- CL 1915, 2453 ;-- CL 1929, 1335 ;-- CL 1948, 51.84

**Compiler's Notes:** This section as originally enacted was numbered section 85.

#### **51.85 Service of papers on sheriff at county clerk's office.**

Sec. 85.

If no notice shall be filed by any sheriff with the county clerk as herein required, the service of all papers on such sheriff may be made by leaving them at the office of the county clerk; with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such sheriff.

**History:** R.S. 1846, Ch. 14 ;-- CL 1857, 426 ;-- CL 1871, 567 ;-- How. 595 ;-- CL 1897, 2594 ;-- CL 1915, 2454 ;-- CL 1929, 1336 ;-- CL 1948, 51.85

**Compiler's Notes:** This section as originally enacted was numbered section 86.

### **Revised Statutes of 1846**

#### **R.S. of 1846**

##### **Chapter 147**

Chapter 147. Of admitting prisoners to the liberties of jails, of escapes, and proceedings on the election of a new sheriff.

#### **PROCEEDINGS ON THE ELECTION OF A NEW SHERIFF.**

#### **51.128 New sheriff; election, certificate of qualification.**

Sec. 28.

Whenever any new sheriff shall be elected in the place of any other, or upon the expiration of any sheriff's office, and shall have qualified and given the security required by law, the clerk of the county shall grant a certificate, under the seal of the circuit court for the county, that the person so elected has qualified and given such security.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 427 ;-- CL 1871, 569 ;-- How. 597 ;-- CL 1897, 2600 ;-- CL 1915, 2464 ;-- CL 1929, 1356 ;-- CL 1948, 51.128

#### **51.129 Former sheriff; ceasing of powers.**

Sec. 29.

Upon the service of such certificate on the former sheriff, his powers as such sheriff, except in the cases



otherwise expressly provided by law, shall cease.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 428 ;-- CL 1871, 570 ;-- How. 598 ;-- CL 1897, 2601 ;-- CL 1915, 2465 ;-- CL 1929, 1357 ;-- CL 1948, 51.129

#### **51.130 Former sheriff; delivery of property, process, documents and prisoners to successor.**

Sec. 30.

Within 10 days after the service of such certificate upon such former sheriff, he shall deliver to his successor,

First. The jail of the county, with all its appurtenances, and the property of the county therein:

Second. All the prisoners then confined in such jail:

Third. All process, orders, rules, commitments and all other papers or documents in his custody, authorizing, or relating to, the confinement of such prisoners; and if any such process shall have been returned a statement in writing of the contents thereof, and when returned:

Fourth. All writs of *capias ad respondendum*, and other original process, and all precepts and other documents, for the summoning of a grand or petit jury, then in his hands, which shall not have been fully executed by him:

Fifth. All executions, attachments and final process then in his hands, except such as the said former sheriff shall have executed, or shall have begun to execute by the collection of money thereon, or by a levy on property in pursuance thereof.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 429 ;-- CL 1871, 571 ;-- How. 599 ;-- CL 1897, 2602 ;-- CL 1915, 2466 ;-- CL 1929, 1358 ;-- CL 1948, 51.130

#### **51.131 Former sheriff; instrument of delivery to successor; new sheriff, acknowledgment of receipt.**

Sec. 31.

At the time of such delivery, the said former sheriff shall execute an instrument, reciting the property, process, documents and prisoners delivered, specifying particularly, the process or other authority by which each prisoner was committed, and is detained, and whether the same be returned or delivered to such new sheriff; which instrument shall be delivered to such new sheriff, who shall acknowledge in writing upon a duplicate thereof, the receipt of the property, process documents, and prisoners therein specified, and shall deliver such duplicate and acknowledgment to the said former sheriff.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 430 ;-- CL 1871, 572 ;-- How. 600 ;-- CL 1897, 2603 ;-- CL 1915, 2467 ;-- CL 1929, 1359 ;-- CL 1948, 51.131

#### **51.133 Former sheriff; delivery of jail, process documents and prisoners, refusal or neglect.**

Sec. 33.

If any former sheriff shall neglect or refuse to deliver to his successor, the jail, process documents and prisoners in his charge, as herein required, such successor may notwithstanding take possession of such jail, and take the custody of the prisoners therein confined, and may compel the delivery of such process and documents, in the manner prescribed in the one hundred and thirty-third chapter of these Revised Statutes.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 432 ;-- CL 1871, 574 ;-- How. 602 ;-- CL 1897, 2605 ;-- CL 1915, 2468 ;-- CL 1929, 1360 ;-- CL 1948, 51.133

**Compiler's Notes:** The one hundred thirty-third chapter of the Revised Statutes, referred to in this section, was superseded by MCL 639.1 to 639.9, which were in turn repealed by Act 236 of 1961. See now MCL 600.2920.



#### **51.134 Substitute for former sheriff; duties.**

Sec. 34.

If at the time when any new sheriff shall have qualified and given the security required by law, the office of the former sheriff shall be executed by his under sheriff, or by a coroner of the county, such under sheriff or coroner, shall in all things comply with the preceding provisions, and shall perform the duties required of such former sheriff.

**History:** R.S. 1846, Ch. 147 ;-- CL 1857, 433 ;-- CL 1871, 575 ;-- How. 603 ;-- CL 1897, 2606 ;-- CL 1915, 2469 ;-- CL 1929, 1361 ;-- CL 1948, 51.134

### **POWERS AND DUTIES**

#### **Act 2 of 1867**

AN ACT to enlarge the powers and duties of sheriffs, under and deputy sheriffs.

**History:** 1867, Act 2, Imd. Eff. Jan. 31, 1867

*The People of the State of Michigan enact:*

#### **51.221 Sheriff, undersheriff, or deputy sheriff; powers and duties; fees.**

Sec. 1.

A sheriff, undersheriff, or deputy sheriff of a county of this state may serve or execute civil or criminal process issued by a court of this state, and have and exercise all the powers and duties of constables. Except where other fees are expressly provided, they shall be entitled to the same fees for these services as are allowed by law to constables in like cases.

**History:** 1867, Act 2, Imd. Eff. Jan. 31, 1867 ;-- CL 1871, 568 ;-- Am. 1881, Act 12, Imd. Eff. Feb. 23, 1881 ;-- How. 596 ;-- CL 1897, 2595 ;-- CL 1915, 2455 ;-- CL 1929, 1337 ;-- CL 1948, 51.221 ;-- Am. 1981, Act 148, Imd. Eff. Nov. 10, 1981

### **UNDERSHERIFFS, DEPUTIES, AND OTHER EMPLOYEES**

#### **Act 180 of 1919**

AN ACT to regulate the number and the salaries of under-sheriffs, deputy sheriffs and other clerks and employes of the sheriffs in the several counties of the state; and to repeal all acts or parts of acts, whether general, local, or special, contravening the provisions of this act.

**History:** 1919, Act 180, Eff. Aug. 14, 1919

*The People of the State of Michigan enact:*

**51.241 Undersheriffs and deputies in counties of 150,000 to 300,000; appointment; compensation, increase.**

Sec. 1.

In counties having a population of 150,000 and not more than 300,000, the sheriff shall appoint an under-sheriff, a chief deputy sheriff who shall be a competent accountant and shall keep the books of the office, and such number of deputy sheriffs as shall be fixed by resolution of the board of supervisors. The under-sheriff and the chief deputy sheriff in such counties shall each receive a salary of 2,000 dollars per year, payable monthly, in lieu of all fees or other compensation. The deputy sheriffs shall each receive a salary of 1,200 dollars per year, payable monthly, in lieu of all fees or other compensation. The board of supervisors in such counties may by resolution provide for increase in said salaries, when, in their judgment, deemed necessary.

**History:** 1919, Act 180, Eff. Aug. 14, 1919 ;-- CL 1929, 1338 ;-- CL 1948, 51.241

**51.242 Undersheriffs and deputies in counties over 400,000; appointment; compensation.**

Sec. 2.

In counties having a population of more than 400,000, the sheriff shall appoint an undersheriff, who shall also be the chief deputy sheriff, and such number of deputy sheriffs, and other clerks and employees as may be fixed by the board of supervisors. The annual salary of the undersheriff inclusive of his duties as chief deputy sheriff, and the number of deputies, clerks and employees, and their annual salaries, shall be fixed by resolution of the board of supervisors, to be payable monthly in lieu of all fees or other compensation. The board of supervisors may provide that deputy sheriffs solely engaged in the service of civil process shall receive as compensation, fees for such service, in lieu of salary.

**History:** 1919, Act 180, Eff. Aug. 14, 1919 ;-- CL 1929, 1339 ;-- Am. 1935, Act 115, Eff. Sept. 21, 1935 ;-- CL 1948, 51.242 ;-- Am. 1961, Act 204, Eff. Sept. 8, 1961

**CHIEF DEPUTY SHERIFF**

**Act 386 of 1913**

AN ACT to authorize the sheriff of any county having a population of not less than 150,000 and not more than 300,000, to appoint a chief deputy sheriff for said county, and prescribing his duties, powers and compensation.

**History:** 1913, Act 386, Eff. Aug. 14, 1913

*The People of the State of Michigan enact:*

**51.261 Chief deputy sheriff in counties of 150,000 to 300,000; appointment, tenure.**

Sec. 1.

The sheriff of any county, having a population of not less than 150,000 and not more than 300,000, is hereby authorized and empowered to appoint a chief deputy sheriff for said county, and may revoke such appointment at pleasure.

**History:** 1913, Act 386, Eff. Aug. 14, 1913 ;-- CL 1915, 2458 ;-- CL 1929, 1342 ;-- CL 1948, 51.261

#### **51.262 Chief deputy sheriff; appointment and oath of office, filing.**

##### **Sec. 2.**

Such appointment shall be in writing under the hand of said sheriff and shall be filed in the office of the clerk of said county; the person so appointed, before entering upon the duties of the said office, shall take the oath prescribed in the constitution of the state of Michigan and file the same together with his acceptance, with the county clerk of said county.

**History:** 1913, Act 386, Eff. Aug. 14, 1913 ;-- CL 1915, 2459 ;-- CL 1929, 1343 ;-- CL 1948, 51.262

**Compiler's Notes:** In this section, "the constitution of the state of Michigan" evidently refers to the Constitution of 1908. See now Const. 1963, Art. XI, Â§ 1.

#### **51.263 Chief deputy sheriff; powers and duties.**

##### **Sec. 3.**

The said chief deputy sheriff shall perform the like duties and have like power and authority with that of under sheriff of such county.

**History:** 1913, Act 386, Eff. Aug. 14, 1913 ;-- CL 1915, 2460 ;-- CL 1929, 1344 ;-- CL 1948, 51.263

#### **51.264 Chief deputy sheriff; compensation.**

##### **Sec. 4.**

The said chief deputy sheriff shall receive an annual salary of 2,000 dollars, payable monthly, and shall receive no other fees or compensation whatsoever for any act or acts performed by him in connection with the said office.

**History:** 1913, Act 386, Eff. Aug. 14, 1913 ;-- CL 1915, 2461 ;-- CL 1929, 1345 ;-- CL 1948, 51.264

## **RULES AND REGULATIONS FOR PRISONERS**

### **Act 210 of 1945**

AN ACT to authorize county sheriffs to adopt rules and regulations for the conduct of prisoners in their custody; to provide for the keeping of certain records in connection with said prisoners; and to credit said prisoners with good behavior allowance for obeying said rules and regulations.

**History:** 1945, Act 210, Eff. Sept. 6, 1945

*The People of the State of Michigan enact:*

**51.281 County jail rules and regulations; adoption by sheriff, endorsement by circuit court, effect.**

Sec. 1.

The sheriff of any county may prescribe rules and regulations for the conduct of prisoners in his custody, which rules and regulations shall be submitted to the circuit judge or judges in said county or circuit for approval, and upon the endorsement of such judge or judges the said rules and regulations shall be deemed to be effective as far as this act is concerned: Provided, That in counties located in any judicial circuit having more than 1 circuit judge, where 1 of said judges shall be designated as presiding judge, the approval and endorsement of said rules and regulations by said presiding judge shall be sufficient to place said rules and regulations in force and effect.

**History:** 1945, Act 210, Eff. Sept. 6, 1945 ;-- CL 1948, 51.281

**51.282 Record of infractions of rules and regulations; examination; reduction of sentence; forfeiture and restoration of good time.**

Sec. 2.

(1) The sheriff shall cause to be kept a record of each and all infractions of the rules and regulations by prisoners, with the names of the persons so offending and the date and character of each offense, and shall examine such records as often as may be necessary to carry out the purpose and intent of this act.

(2) Every prisoner whose record shows that there are no violations of the rules and regulations shall be entitled to a reduction from his or her sentence as follows: 1 day for each 6 days of the sentence. The sheriff may, by general rule, subject to amendment from time to time, prescribe how much of the good time earned under this subsection a prisoner shall forfeit for any infraction of the general rules and regulations, and for any act of insubordination the sheriff may by special order take away any portion of or the whole of the good time made by any prisoner up to the date of such offense. The sheriff may as a reward for especially good conduct, in case of insubordination, restore to any prisoner the whole or any portion of the good time lost because of any minor infraction of the rules.

**History:** 1945, Act 210, Eff. Sept. 6, 1945 ;-- CL 1948, 51.282 ;-- Am. 1986, Act 115, Imd. Eff. May 27, 1986

**51.283 County jail rules and regulations; posting; good behavior allowances, liability of sheriff.**

Sec. 3.

A copy of the rules and regulations, and good behavior allowances for obedience thereto and compliance therewith shall be posted in such place or places in the county jail as will enable all persons imprisoned therein to become acquainted therewith, and it shall be the duty of each prisoner entitled to release with the credit for good behavior allowance to call to the attention of the sheriff or any of his deputies the fact that he is entitled to release, and no sheriff shall be liable to respond to any prisoner or former prisoner in damages in any form of action, particularly false imprisonment, if any excess time up to the maximum of the original sentence without good behavior allowance be served.

**History:** 1945, Act 210, Eff. Sept. 6, 1945 ;-- CL 1948, 51.283

**RECOVERY OF DROWNED BODIES**

**Act 139 of 1947**

AN ACT to prescribe the powers and duties of certain public officers with respect to the recovery of the bodies of

persons drowned in the waters over which the state of Michigan has jurisdiction.

**History:** 1947, Act 139, Eff. Oct. 11, 1947

*The People of the State of Michigan enact:*

**51.301 Recovery of drowned bodies; jurisdiction of police chiefs and sheriffs, duties, expenses.**

Sec. 1.

In case any person is drowned in waters within the corporate limits of any city, it shall be the duty of the chief of police of said city, and in case any person is drowned in waters outside the corporate limits of a city, it shall be the duty of the sheriff of the county within which such waters are situated, to use every available means in the recovery of any such body. The several chiefs of police of cities and sheriffs of this state are hereby authorized to incur such expenses as shall be necessary in obtaining equipment and in doing the necessary acts in carrying out their duties under the provisions of this act.

**History:** 1947, Act 139, Eff. Oct. 11, 1947 ;-- CL 1948, 51.301

**51.302 Recovery of bodies of drowned persons; assistance from other public agencies; jurisdiction.**

Sec. 2.

A chief of police of a city or a sheriff of a county, in the recovery of the body of a person drowned in the waters under the jurisdiction of the chief of police or sheriff, may call upon the Michigan state police, conservation officers of the department of natural resources, the chief of police of another city, the sheriff of another county, or other public agencies for assistance in the recovery of the body; and that chief of police or sheriff may exercise authority and powers outside his or her own jurisdiction in rendering assistance.

**History:** 1947, Act 139, Eff. Oct. 11, 1947 ;-- CL 1948, 51.302 ;-- Am. 1984, Act 57, Imd. Eff. Apr. 12, 1984

**CIVIL SERVICE COMMISSION**

**Act 298 of 1966**

AN ACT to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966 ;-- Am. 1998, Act 154, Eff. Mar. 23, 1999

*The People of the State of Michigan enact:*

**51.351 Civil service commission for sheriffs' departments in counties over 400,000; creation; applicability of act.**

Sec. 1.

Within 30 days after this act shall take effect there may be created a civil service commission in sheriffs' departments in all counties containing not less than 400,000 population, except that this act shall not apply in counties where the provisions of Act No. 370 of the Public Acts of 1941, as amended, being sections 38.401 to 38.428 of the Compiled Laws of 1948, are in force.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.352 Civil service commission; membership, appointment, terms; president, term.**

Sec. 2.

The civil service commission shall consist of 3 members, 2 of whom shall be appointed by the board of supervisors, 1 to be appointed for 2 years and 1 to be appointed for 6 years. The third member of the commission shall be elected by the members of the sheriff's department and he shall serve for a period of 4 years from the date of his appointment; a majority vote of the members of the sheriff's department shall be necessary to select such member. Thereafter, all appointments shall be made for a period of 6 years each; each commissioner shall serve until his successor is appointed and qualified by the appointing power hereinbefore designated.

The commission shall elect one of their number to act as president of the commission, who shall serve for 1 year.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.352a Commissioners; compensation.**

Sec. 2a.

Each commissioner may receive compensation for each day's service and such necessary expenses and mileage as may be incurred in the actual performance of his duties, as fixed by the county board of commissioners. In no event shall compensation be paid or allowed for more than 30 days in any 1 year.

**History:** Add. 1972, Act 125, Imd. Eff. May 4, 1972

**51.353 Civil service commission; members, qualifications; holding other office prohibited; political affiliations.**

Sec. 3.

No person shall be appointed a member of the commission who is not a citizen of the United States and an elector of the county for a period of at least 3 years immediately preceding his appointment. No commissioner shall hold any other elective office, place or position under the United States, state of Michigan, or any city, county or other political subdivision thereof; nor shall any commissioner serve on any political committee or take any active part in the management of any political campaign. Not more than 2 of the commissioners, at any one time, shall be adherents of the same political party.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

#### **51.354 Civil service commission; vacancies; removal.**

##### **Sec. 4.**

In event that any commissioner ceases to be a member thereof by virtue of death, removal or other cause, a new commissioner shall be appointed to fill out the unexpired term within 10 days after the vacancy occurs. The appointment shall be made by the body who in the first instance appointed the commissioner who is no longer a member of the commission. The board of supervisors may remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause, which shall be stated in writing and made a part of the records of the commission. A copy of the removal shall be served on the commissioner forthwith. Once the board has removed any commissioner, the removal shall be temporary only and shall be in effect for a period of 10 days. If at the end of 10 days the commissioner fails to make answer thereto, he shall be deemed removed; otherwise the board shall file in the circuit court a petition setting forth in full the reason for the removal and praying for the confirmation by the circuit court of the action of the board in removing the commissioner. A copy of the petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the circuit court and shall have precedence on the docket of the court and shall be heard as soon as the removed commissioner shall demand. All rights hereby vested in the circuit court may be exercised by the judge thereof during a vacation. If no term of court is being held at the time of filing of the petition, and the judge thereof cannot be reached in the county wherein the petition was filed, the petition shall be heard at the next succeeding term of the circuit court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the board. The court, or the judge thereof, in vacation, shall hear and decide upon the petition. The contestant against whom the decision of the court or judge thereof, in vacation, shall be rendered, shall have the right of appearing in person and by counsel and presenting his defense and to petition the supreme court for a review of the decision of the circuit court, or the judge thereof in vacation, as in chancery cases. If the board fails to file this petition in the circuit court within 10 days after the removal of the commissioner, he shall immediately resume his position as a member of the civil service commission.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

#### **51.355 Civil service commission; clerk.**

##### **Sec. 5.**

The county clerk shall be clerk of the civil service commission and shall supply to the commission without extra compensation all necessary clerical and stenographic services for the work of the civil service commission.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

#### **51.356 Sheriff's department; incumbents, eligibility to permanent appointment under civil service.**

##### **Sec. 6.**

For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this act, all persons holding a position in the sheriff's department, except the sheriff and undersheriff, when this act takes effect, who shall have served in such position for a period of at least 6 months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently under civil service into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. Any employee with less than 6 months' service shall be classed as a probationer under this act.



**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.357 Sheriff's department; appointments, reinstatements, promotions and discharges subject to act; exceptions.**

Sec. 7.

After the date this act takes effect, appointments to and promotions in sheriffs' departments subject to this act shall be made only according to qualifications and fitness to be ascertained by examinations, which shall be competitive, and no person shall be appointed, reinstated, promoted or discharged as a member of the department regardless of rank or position, in any manner or by any means other than those prescribed in this act. The positions of undersheriff and departmental heads are exempt from the operation of this act, and the sheriff shall have the sole power and authority to fill such positions.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.358 Civil service commission; aid from board of supervisors and department heads; offices, supplies.**

Sec. 8.

It shall be the duty of the board of supervisors and heads of departments to aid the civil service commission in all proper ways in carrying out the provisions of this act, to allow the reasonable use of public buildings, and to cause suitable and convenient rooms and accommodations to be assigned and provided and furnished, heated and lighted for carrying on the work and examinations of the civil service commission, and in all proper ways to facilitate the same. The civil service commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.359 Civil service commission; powers and duties.**

Sec. 9.

The civil service commission, within the terms of this act, shall:

(1) Adopt and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may be added to, amended or rescinded.

(2) Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office, received by the commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of 10 years; and all such records, recommendations of former employers accepted, and all written causes of removal, filed with it, subject to reasonable regulation, shall be open to public inspection. It shall keep a roster of the members of the department, together with a record of service, military or naval experience, file statements on all matters relating to the character and quality of the work done and the attitude of the individual to his work and such other matters as may have a bearing on promotion, transfer or discharge.

(3) Make investigations concerning all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder, and concerning the action of any examiner or subordinate of the commission or any person in the public service in respect to the execution of this act; and in the course of such investigations any commissioner may administer oaths and affirmations and take testimony.

(4) Make an annual report to the board of supervisors showing its own action, and rules and regulations with all exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishments of the purpose of this act. The reports shall be available for public inspection 5 days after the same shall have been delivered to the board of supervisors.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.360 Civil service examination; application; filing; contents; forms; certificates; grounds for refusing to examine or certify applicant; hearing; review; physical examination; age; residence; reinstatement.**

**Sec. 10.**

(1) The civil service commission shall require an individual applying for admission to an examination provided for under this act or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation all of the following:

- (a) Full name, residence, and post office address.
- (b) Citizenship, age, and the place and date of birth.
- (c) Health and physical capacity for the position for which the applicant is applying.
- (d) Each residence and business or place of employment for not less than the previous 3 years. The commission shall establish educational requirements, but the requirements shall not call for less than an eighth grade education.
- (f) Other information as may reasonably and legally be requested regarding the applicant's qualifications and fitness for the position for which the applicant is applying.

(2) Blank forms for applications shall be furnished by the commission, without charge, to all persons requesting an application. The commission may require, in connection with the application, certificates of citizens, physicians, or others having knowledge of the applicant as the good of the service requires. The commission may refuse to examine an applicant or, after examination, to certify as eligible an applicant who falls under any of the following disqualifications:

- (a) Lacks any of the established preliminary requirements for the examination or position of employment for which the applicant applied.
- (b) Is so physically disabled as to be rendered unfit for the performance of the duties of the position to which the applicant seeks appointment.
- (c) Is a habitual user of intoxicating liquors or an illegal user of 1 or more controlled substances.
- (d) Has been found guilty of a crime.
- (e) Has been dismissed from the public service for delinquency or misconduct.
- (f) Has made a false statement of any material fact, or practiced or attempted to practice a deception or fraud in the application, in the examination, or in securing eligibility.
- (g) Refuses to comply with the rules and regulations of the commission.

(3) If any applicant feels aggrieved by the action of the commission in refusing to examine the applicant or, after an examination, to certify the applicant as eligible, the commission, at the request of the applicant, shall appoint a time and a place for a public hearing, at which time the applicant may appear, personally or with counsel, and the commission shall then review its refusal of examination or certification, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by the applicant. After review, the commission shall file the testimony taken in its records and shall again make a decision, which decision shall be reviewable on writ of certiorari.

(4) Prior to taking the examination, all applicants for any position in the department shall undergo a physical examination, which may be performed by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner but shall be conducted under the supervision of a commission composed of at least 2 physicians appointed to the commission by the board of supervisors. The commission shall certify that an applicant is free from any bodily or mental defects, deformity, or diseases that might incapacitate the applicant from the performance of the duties of the position desired. Applications will not be accepted if the person applying is less than 18 years of age and has not been a resident of this state for at least 1 year prior to the application for any position in the department. If any applicant has formerly served in the department of the county to which the application is made for a period of more than 10 years, has resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of 2 years next preceding the date of his or her application, and is a resident of that county, then that applicant is eligible for reinstatement at the discretion of the civil service commission. The applicant, providing his or her former term of service so justifies,

may be reappointed to the department without examination other than a physical examination. If an applicant is reinstated to the department, the applicant shall be the lowest in rank in the department next above the probationers of the department. This subsection does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966 ;-- Am. 1972, Act 81, Imd. Eff. Mar. 15, 1972 ;-- Am. 1972, Act 125, Imd. Eff. May 4, 1972 ;-- Am. 2004, Act 132, Imd. Eff. June 3, 2004

**Compiler's Notes:** Following subdivision (d) of subsection (1), the subdivision labeled "f" evidently should be labeled "e".

### **51.361 Civil service commission; rules and regulations for examinations.**

#### **Sec. 11.**

The civil service commission shall make rules and regulations providing for examinations of positions in the departments under this act, for appointments and for such other matters as are necessary to carry out the purposes of this act.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

### **51.362 Civil service employees; tenure; removal, discharge, reduction or suspension, procedures.**

#### **Sec. 12.**

The tenure of everyone holding an office, place, position or employment under the provisions of this act shall be only during good behavior and efficient service; and any such person may be removed or discharged, suspended without pay, or deprived of vacation privileges or other special privileges by the appointing officer for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment to the public, neglect of duty, violation of the provisions of this act or the rules of the commission, or any other failure of good behavior, or any acts of misfeasance, malfeasance or nonfeasance in office. No member of any department within the terms of this act shall be removed, discharged, reduced in rank or pay or suspended, or otherwise punished, except for cause, and in no event until he shall have been furnished with a written statement of the charges and the reasons for such actions. All charges shall be void unless filed within 90 days of the date of the violation. In every case of charges having been made, a copy of the statement of reasons therefor and the answer thereto, if the person sought to be removed desires to file such written answer, shall be furnished to the civil service commission and entered upon its records. The answer shall be filed by the member within 5 days after service of the charges upon him. If the person sought to be removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of 10 days from the filing of the charges in writing and a written answer thereto. Pending the period between the making of the charges as a basis for removal and the decision thereon by the commission, the member shall remain in office, but shall be suspended from duty without pay. At the hearing the burden shall be upon the person sought to be removed to prove that the removal is not justified. If the civil service commission shall determine that the action of the removing officer was not justified, then the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment, and no charges shall be officially recorded against his record. A written record of all testimony taken at such hearings shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection, if no appeal is taken from the action of the commission. If the civil service commission sustains the action of the removing officer the person removed shall have an immediate right of appeal on certiorari to the circuit court of the county. The appeal shall be taken within 90 days from the entry by the civil service commission of its final order. Upon such an appeal being taken and docketed with the clerk of the circuit court, the circuit court shall proceed to hear the appeal upon the original record taken therein and no additional proof shall be permitted to be introduced. The circuit court's decision shall be final, saving to the employee, however, the right to petition the supreme court for a review of the court's decision. The removing officer and the person sought to be removed at all times, both before the civil service commission and upon appeal, may employ counsel to represent either of them before the civil service commission and upon appeal.

If for any reason of economy it shall be deemed necessary by any county to reduce the number of paid members of any department, then the county shall follow the following procedure:

The removals shall be accomplished by suspending in numerical order, commencing with the last man appointed to the department, all recent appointees to the department until such reductions shall have been accomplished. If the department again is increased in number to the strength existing prior to the reduction of members, the members suspended last under the terms of this act shall be first reinstated before any new appointments to the department shall be made.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

### **51.363 Civil service examinations, obstructing right to examination or registration, unlawfully furnishing information or impersonating others; penalty.**

Sec. 13.

Any commissioner or examiner or any other person who shall wilfully, by himself or in cooperation with 1 or more persons, defeat, deceive or obstruct any person in respect to his right of examination or registration according to this act or to any rule or regulation prescribed pursuant thereto, or who shall wilfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered or certified or to be examined, registered or certified, or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall be deemed guilty of a misdemeanor.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

### **51.364 Appointment or selection contrary to rules; refusal to comply to or violates act; penalty.**

Sec. 14.

Whoever makes an appointment to office, or selects a person for employment contrary to the provisions of the rules and regulations as adopted under the authority of this act, or wilfully refuses or neglects otherwise to comply with or conform to any of the provisions of this act, or violates any of such provisions, shall be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this act shall be punishable by a fine of not less \$100.00 nor more than \$1,000.00, or by imprisonment in a state prison for a term not exceeding 2 years, or by both fine and imprisonment in the discretion of the court.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

### **51.365 Civil service commission; definitions.**

Sec. 15.

As used in this act:

- (1) "Commission" means the civil service commission herein created.
- (2) "Commissioner" means any one of the 3 commissioners of that commission.
- (3) "Appointment" means all means of selection, promotion, appointing or employing any person to hold any office, place or position of employment subject to civil service.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966

**51.366 Act effective upon approval by electors; petition; ballot; form; referendum.**

Sec. 16.

(1) This act shall not take effect in any county until approved by a majority of the electors voting on the question at an election at which the question of adoption of this act for that county is properly submitted.

(2) The board of supervisors, by resolution, shall submit the question to the electors at any regular election upon the filing of a petition requesting the submission of the question with the board signed by registered electors of the county equal to not less than 10% of the total vote cast in the county for the office of secretary of state at the most recent general election. A petition under this subsection, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this subsection is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(3) The form of ballot shall be as follows:

Shall 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies," be adopted?

Yes ( )

No ( )

(4) Ballots shall be cast and canvassed and the results of the election certified in the same manner as ballots on any questions submitted to the electors. If the majority of the qualified electors vote in favor of the adoption of this act, then the provisions of this act shall be in full force and effect in the county.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966 ;-- Am. 1998, Act 154, Eff. Mar. 23, 1999

**51.367 Rescission and repeal of act by electors; ballot, form; referendum.**

Sec. 17.

This act shall continue in full force and effect in any county in which it has been properly adopted until rescinded and repealed by a majority of the electors voting thereon at an election at which the question of rescission and repeal of this act for that county is properly submitted.

The board of supervisors, by resolution, may submit the question of rescission and repeal of this act to the electors at any regular or special election.

The form of the ballot shall be:

Shall Act No. .... of the Public Acts of 1966, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; and to provide for referendums," be rescinded and repealed?

Yes ( )

No ( )

Such ballots shall be cast and canvassed and the results of the election certified in the same manner as ballots on any question submitted to the electors. If a majority of the qualified electors vote in favor of the rescission and repeal of this act, then the provisions thereof shall be rescinded and repealed in the county, and not otherwise.

**History:** 1966, Act 298, Imd. Eff. July 14, 1966