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BILL ANALYSIS

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Senate Bill 424 (as reported without amendment)

Sponsor: Senator Ed Fredricks

Committee: Judiciary

Date Completed: 11-4-87

RATIONALE

Under current law, when a Federal law enforcement officer identifies an individual as having a warrant out for his or her arrest for a felony offense under State law, the officer is not authorized to arrest such a person. If the Federal officer has no other grounds for detaining the person, the officer can only notify the local authorities of the person's whereabouts. Some people feel, in the interest of law enforcement, that Federal law enforcement officers should be given the authorization to arrest a person for the commission of a felony offense under State law.

is not included within the definition of a police officer in the State, the Federal officer can not arrest that person. The Federal officer is put in the position of having to let the person go, and to notify the local authorities of the person's whereabouts. The bill would simply authorize a Federal officer to arrest such a person, pursuant to the warrant. It would address a loophole in the arrest powers of law enforcement officers in the State and would serve to maximize resources in helping to apprehend fugitives.

CONTENT

The bill would amend the Code of Criminal Procedure to specify that a Federal law enforcement officer could arrest a person for the commission of a felony offense under State law in either of the following situations:

- The officer possessed a warrant for the arrest of the person.
- The officer had received positive information from an authoritative source, in writing or by telegraph, telephone, teletype, radio, computer, or other means, that another Federal law enforcement officer possessed a warrant for the arrest of the person.

In addition, the bill would allow a Federal officer, when making an felony arrest with or without a warrant, to break into a building in which the person to be arrested was believed to be located, if, after announcing his or her purpose, the officer were refused admittance. The bill also would allow a Federal officer, who was detained in a building when trying to make an arrest, to break out of the building to escape. The Federal officer could also break into a building if it were necessary to liberate a person who lawfully entered a building to make an arrest and was detained.

MCL 761.1 et al.

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. Administrative savings to State and local law enforcement agencies could result from allowing Federal law enforcement officers to make arrests for felony offenses under State law, rather than having to notify State or local law enforcement authorities of the need to make an arrest.

ARGUMENTS**Supporting Argument**

The bill would address the situation in which a Federal officer comes upon an individual identified by the officer, and for whom the officer knew there was a State felony arrest warrant. Under current law, since a Federal officer

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 424 (11-4-87)