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ST. POLICE: DOMESTIC RELATNS. WARRANTS  
**RECEIVED**

House Bill 4026 as introduced  
First Analysis (2-15-89)

APR 17 1989

Sponsor: Rep. Nick Ciaramitaro  
Committee: Judiciary

Mich. State Law Libra

### ***THE APPARENT PROBLEM:***

Occasionally, a state police officer stops someone for a traffic violation and discovers that the person has an outstanding warrant for some domestic relations matter such as failure to pay back child support. Since the state officer lacks specific statutory authority to execute civil bench warrants, about the best the officer can do is to notify the local sheriff's office and hope that a deputy arrives on the scene in time to make the arrest on the warrant. Many believe that enforcing domestic relations warrants is important enough to close this gap in the law; they urge legislation to authorize state police to enforce civil bench warrants issued on domestic relations matters.

### ***THE CONTENT OF THE BILL:***

The bill would amend Public Act 59 of 1935 to specify that the state police officer would have the authority to exercise the powers of a deputy sheriff in the execution of a civil bench warrant issued by a circuit court on any domestic relations matter.

MCL 28.6

### ***FISCAL IMPLICATIONS:***

With regard to an identical bill last session, the House Fiscal Agency said that the bill had no fiscal implications. (11-3-88)

### ***ARGUMENTS:***

#### ***For:***

The bill would give state police the authority they need to be able to make arrests on civil bench warrants issued with regard to domestic relations matters such as failure to pay child support. At present, a state police officer who attempts to arrest or even merely to detain someone wanted on a civil bench warrant risks exceeding his or her authority. Domestic relations bench warrants are issued for failure to pay child support and for violations of custody or visitation orders, among other things. Those matters, which involve the well-being of children and the proper responsibilities of their parents, are too important to allow those who would flaunt court orders to escape merely because of jurisdictional loopholes. The bill would not require state police to seek out the people named on these warrants; it simply would provide the authority to arrest the wanted person when the officer happened to discover the warrant, when, for example, making a routine records check in connection with a traffic violation.

### ***POSITIONS:***

The Department of State Police supports the bill. (2-14-89)

The Friend of the Court Association of Michigan supports the bill. (2-14-89)

The Michigan Sheriffs Association supports the bill. (2-14-89)

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