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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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House Bill 4026 (as reported without amendment)

Sponsor: Representative Nick Ciaramitaro

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 4-11-89

RATIONALE

Occasionally, a State Police officer stops a driver for a traffic violation and discovers that the person has an outstanding warrant in a domestic relations matter such as failure to pay child support. Since the State officer lacks specific statutory authority to execute civil bench warrants, the most 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 authorize State Police officers to execute civil bench warrants issued on such matters.

CONTENT

The bill would amend Public Act 59 of 1935, which provides for the organization of the Department of State Police, to specify that State Police officers 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 IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Currently, 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 such infractions as failure to pay child support and violation of custody or visitation orders. 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 add to the responsibilities of State Police officers, because it would not require them 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.

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H.B. 4026 (4-11-89)