

House Bill 4061

Sponsor: Rep. Kirk A. Profit

Committee: Judiciary

Complete to 3-7-91

A SUMMARY OF HOUSE BILL 4061 AS INTRODUCED 2-5-91

The bill would create the High Speed Pursuit Model Policy Act under which a commission would be appointed to develop and approve a model policy concerning high speed pursuit. The director or principal officer of each of the following would appoint one member to the commission: the Department of State Police, the Michigan Association of Chiefs of Police, the Michigan Sheriffs' Association, the Michigan Municipal League, the Michigan Townships Association, the Michigan Association of Counties, the Fraternal Order of Police, the Police Officers' Association of Michigan, the Deputy Sheriff Association of Michigan, the Detroit Police Officers' Association, and the police agency of each city in this state with a population of one million or more. With Detroit qualifying for the last appointment, the commission would have eleven members. Commission members would serve without compensation, but would be entitled to expenses. Commission business would be subject to the Open Meetings Act and the Freedom of Information Act.

The commission would convene its first meeting within 60 days after the bill took effect and develop the model policy within six months. The commission would be dissolved three years after its first meeting, after which the Office of Criminal Justice would assume the commission's duties regarding review and revision of the model policy and approval of variances sought by local law enforcement agencies. The Law Enforcement Training Council, along with the Office of Criminal Justice, would assist the commission in performing its duties, including providing office and clerical assistance and facilities for commission meetings.

The model policy would have to: recognize high speed pursuit as the potential use of deadly force; provide a proper balance of the interest in immediate apprehension against the interest in the safety of the police officer and the public; consider sections of law that suspend certain traffic laws for emergency vehicles; and incorporate all provisions that the commission considers necessary for the model policy. The commission (or later, the Office of Criminal Justice) would annually review the policy and revise it if necessary; local requests for variances would be considered in making revisions. The policy and later revisions would be adopted by the state police. Local law enforcement agencies could adopt the policy as approved or seek variance from a portion of the policy by applying to the commission or Office of Criminal Justice within five months of the policy's approval or revision. All applications for variance would be granted or denied within six months after the policy or revision was made.

Certain sanctions would apply to a law enforcement agency that did not adopt the model policy (or subsequent revision) within six months after the model policy was approved

or revised. Without adoption of the model policy, the municipality or county involved would be ineligible to receive a portion of its state revenue sharing payment (see Note, below), and could not receive law enforcement assistance grants or reimbursements under any of the following acts: the justice training commission act (Public Act 302 of 1982), which provides funds for training of police officers and other criminal justice personnel; the Michigan Law Enforcement Officers Training Act, which provides funds for basic training of police recruits, and the act entitled "of County Officers" (Chapter 14 of the Revised Statutes of 1846), which provides funding for secondary road patrols.

The bill could not take effect without enactment of five other bills which have not yet been introduced. (Note: among the sanctions proposed by the bill is the loss of a portion of state revenue sharing under a section of the revenue sharing act that does not at present exist. Under similar legislation introduced last session, one of the five companion bills proposed to amend the State Revenue Sharing Act to add that section.)