

HOUSE BILL No. 4061

February 5, 1991, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to create the high speed pursuit model policy commission; to prescribe its membership, powers, and duties; to prescribe the duties of certain state agencies and departments; to provide for the development, approval, promotion, and revision of a model policy concerning high speed pursuit; and to provide for and encourage the adoption of the model policy by law enforcement agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 high speed pursuit model policy act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the high speed pursuit model policy
5 commission created in section 3.

1 (b) "Law enforcement agency" means a police agency of a
2 city, village, or township; a sheriff's department; or the
3 department of state police.

4 (c) "Model policy" means the high speed pursuit model policy
5 developed and approved by the commission in section 4.

6 (d) "Municipality" means a county, city, village, or
7 township.

8 (e) "Office" means the office of criminal justice in the
9 department of management and budget.

10 Sec. 3. (1) The high speed pursuit model policy commission
11 is created. Each of the following shall appoint 1 member of the
12 commission according to its own rules and procedures:

13 (a) The department of state police.

14 (b) The Michigan association of chiefs of police.

15 (c) The Michigan sheriffs' association.

16 (d) The police agency of each city in this state with a pop-
17 ulation of 1,000,000 or more persons.

18 (e) The Michigan municipal league.

19 (f) The Michigan townships association.

20 (g) The Michigan association of counties.

21 (h) The fraternal order of police.

22 (i) The police officers' association of Michigan.

23 (j) The deputy sheriff association of Michigan.

24 (k) The Detroit police officers' association.

25 (2) A majority of commission members appointed constitutes a
26 quorum.

1 (3) The commission shall convene its first meeting within 60
2 days after the effective date of this act, at which the members
3 shall elect a chairperson.

4 (4) Following its first meeting, the commission shall meet
5 as often as necessary to fulfill its duties under this act. The
6 commission is dissolved 3 years after its first meeting, at which
7 time the office shall assume the commission's duties under
8 sections 4(3) and 5(3).

9 (5) The law enforcement council created under the Michigan
10 law enforcement officers training council act of 1965, Act
11 No. 203 of the Public Acts of 1965, being sections 28.601 to
12 28.616 of the Michigan Compiled Laws, and the office shall assist
13 the commission in performing its duties, including providing
14 facilities for commission meetings and necessary office and cler-
15 ical assistance.

16 Sec. 4. (1) Within 6 months after its first meeting, the
17 commission shall develop and approve a model policy concerning
18 high speed pursuit suitable for use by all law enforcement
19 agencies. The model policy shall do all of the following:

20 (a) Recognize high speed pursuit as the potential use of
21 deadly force.

22 (b) Provide a proper balance of the interest in immediate
23 apprehension, including consideration of the threat posed by the
24 pursued person and whether that person's identity is known,
25 against the interest in safety of the police officer and the
26 public, including consideration of the risks of harm to innocent
27 bystanders.

1 (c) Consider sections 603 and 632 of the motor vehicle code,
2 Act No. 300 of the Public Acts of 1949, being sections 257.603
3 and 257.632 of the Michigan Compiled Laws.

4 (d) Incorporate all provisions that the commission considers
5 necessary for the model policy.

6 (2) The commission shall promote the model policy for use by
7 all law enforcement agencies.

8 (3) The commission, or the office acting under section 3,
9 shall review the model policy annually and revise it as the com-
10 mission or the office finds appropriate. In making revisions,
11 the commission or the office shall also consider the input
12 obtained through requests for variance from the model policy pur-
13 suant to section 5.

14 Sec. 5. (1) The department of state police shall adopt the
15 model policy as approved or revised by the commission or the
16 office pursuant to section 4.

17 (2) All other law enforcement agencies may adopt the model
18 policy as approved or revised by the commission or the office
19 pursuant to section 4, or incorporating a variance to the model
20 policy granted pursuant to subsection (3).

21 (3) A law enforcement agency described in subsection (2) may
22 apply to the commission, or to the office acting under section 3,
23 for a variance from a portion of the model policy as approved or
24 revised by the commission or the office. The application shall
25 be made within 5 months after the commission or the office
26 approves or revises the model policy. The application shall
27 specifically state the reasons supporting the need for a

1 variance. The commission, or the office acting under section 3,
2 shall grant or deny all applications for a variance within 6
3 months after the commission or the office approves or revises the
4 policy.

5 (4) If a law enforcement agency described in subsection (2)
6 does not adopt the model policy as approved or revised by the
7 commission or the office, or incorporating a variance granted by
8 the commission or the office, within 6 months of its approval or
9 revision, the municipality having jurisdiction over the law
10 enforcement agency is ineligible to receive any of the following
11 funds until the law enforcement agency adopts the model policy as
12 approved or revised:

13 (a) The percentage of its revenue sharing specified in sec-
14 tion 17b of the state revenue sharing act of 1971, Act No. 140 of
15 the Public Acts of 1971, being section 141.917b of the Michigan
16 Compiled Laws.

17 (b) Law enforcement assistance grants or reimbursements
18 under the following:

19 (i) Act No. 302 of the Public Acts of 1982, being
20 sections 18.421 to 18.430 of the Michigan Compiled Laws.

21 (ii) The Michigan law enforcement officers training council
22 act of 1965, Act No. 203 of the Public Acts of 1965, being
23 sections 28.601 to 28.616 of the Michigan Compiled Laws.

24 (iii) Section 77 of chapter 14 of the Revised Statutes of
25 1846, being section 51.77 of the Michigan Compiled Laws.

26 Sec. 6. The business of the commission, or the office
27 acting under section 3, shall be conducted in compliance with the

1 open meetings act, Act No. 267 of the Public Acts of 1976, being
2 sections 15.261 to 15.275 of the Michigan Compiled Laws.

3 Sec. 7. A writing prepared, owned, used, in the possession
4 of, or retained by the commission, or the office acting under
5 section 3, in the performance of an official function shall be
6 made available to the public in compliance with the freedom of
7 information act, Act No. 442 of the Public Acts of 1976, being
8 sections 15.231 to 15.246 of the Michigan Compiled Laws.

9 Sec. 8. The members of the commission shall serve without
10 compensation, but are entitled to actual and necessary expenses
11 incurred in the performance of official duties.

12 Sec. 9. This act shall not take effect unless all of the
13 following bills of the 86th Legislature are enacted into law:

14 (a) Senate Bill No. _____ or House Bill No. _____ (request
15 no. 00898'91).

16 (b) Senate Bill No. _____ or House Bill No. _____ (request
17 no. 00899'91).

18 (c) Senate Bill No. _____ or House Bill No. _____ (request
19 no. 00900'91).

20 (d) Senate Bill No. _____ or House Bill No. _____ (request
21 no. 00901'91).

22 (e) Senate Bill No. _____ or House Bill No. _____ (request
23 no. 00902'91).