



HOUSE BILL No. 5472

April 19 1994 Introduced by Reps Baade Byrum Mathieu Freeman DeMars Stallworth Rivers Barns Harder Dobronski Profit Olshove Willard Agee Scott Porreca Gagliardi Emerson Pitoniak Anthony Wallace and Parks and referred to the Committee on Judiciary

A bill to create a state community policing program to create a commission to provide for certain powers and duties of certain departments and officials and to provide for an appropriation

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Sec 1 This act shall be known and may be cited as the
2 community policing act

3 Sec 2 As used in this act

4 (a) Commission means the commission on community policing
5 created under section 5

6 (b) "Department" means the department of state police

7 (c) Fiscal year means the state fiscal year that begins
8 October 1 and ends September 30

9 (d) Grant funds' means the funds awarded to the local
10 community by the commission pursuant to section 3

1 (e) Local community' means a county, city township or
2 village

3 (f) "Maintenance police force" means the average number of
4 police officers on the payroll in the local community from
5 January 1, 1992 through December 31, 1993

6 (g) 'Police officer" means an officer who is certified under
7 the Michigan law enforcement officers training council act of
8 1965, Act No 203 of the Public Acts of 1965, being sections
9 28 601 to 28 616 of the Michigan Compiled Laws

10 (h) "Program" means the state community policing program
11 created under section 3

12 Sec 3 The state community policing program is created
13 within the department of state police The program shall provide
14 local communities with matching funds to employ police officers
15 to patrol the streets The state shall provide \$80 00 of match-
16 ing funds to every \$20 00 provided by the local community that
17 qualifies for funds under the program

18 Sec 4 The department shall promulgate rules pursuant to
19 the administrative procedures act of 1969, Act No 306 of the
20 Public Acts of 1969, being sections 24 201 to 24 328 of the
21 Michigan Compiled Laws, for the implementation of the program
22 including, but not limited to, rules governing the application
23 process, the maximum amount of each grant, and eligibility
24 requirements The rules shall be submitted for public hearing
25 within 90 days after the effective date of this act The depart-
26 ment shall create an application form to be used by local
27 communities seeking funds under this act

1 Sec 5 (1) The commission on community policing is created
2 within the department of state police The commission shall con-
3 sist of 5 members appointed by the governor with the advice and
4 consent of the senate The commission shall consist of 3 public
5 members and 2 police officers

6 (2) The members first appointed to the commission shall be
7 appointed within 60 days after the effective date of this act
8 Members of the commission shall serve for terms of 4 years,
9 except that for the members first appointed, 1 shall serve for 1
10 year, 2 shall serve for 2 years, and 2 shall serve for 3 years
11 Members may serve consecutive terms

12 (3) If a vacancy occurs on the commission, the governor
13 shall make an appointment for the unexpired term in the same
14 manner as the original appointment

15 (4) The governor may remove a member of the commission for
16 incompetency, dereliction of duty, malfeasance, or nonfeasance in
17 office, or any other good cause

18 (5) The first meeting of the commission shall take place
19 within 90 days after this act goes into effect At the first
20 meeting, the commission shall elect from among its members a
21 chairperson and other officers as it considers necessary or
22 appropriate After the first meeting, the commission shall meet
23 at least quarterly or more frequently at the call of the chair-
24 person or if requested by 3 or more members

25 (6) A majority of the members of the commission constitutes
26 a quorum for the transaction of business at a meeting of the

1 commission A majority of the members present and serving is
2 required for official action of the commission

3 (7) The business that the commission may perform shall be
4 conducted at a public meeting of the commission held in compli-
5 ance with the open meetings act Act No 267 of the Public Acts
6 of 1976, being sections 15 261 to 15 275 of the Michigan Compiled
7 Laws

8 (8) A document prepared, owned, used in the possession of
9 or retained by the commission in the performance of an official
10 function is subject to the freedom of information act, Act
11 No 442 of the Public Acts of 1976 being sections 15 231 to
12 15 246 of the Michigan Compiled Laws

13 (9) A member of the commission shall not receive compensa-
14 tion for service as a commissioner Each member of the commis-
15 sion shall receive reimbursement for actual expenses incurred in
16 connection with the duties of the office

17 Sec 6 The commission shall do all of the following

18 (a) Administer this act and perform all acts and exercise
19 all powers reasonably necessary to implement this act

20 (b) Review grant applications and determine which applicants
21 will receive matching funds and the amount of matching funds to
22 be distributed to eligible applicants The commission shall
23 determine which applicants will be granted funds and shall dis-
24 tribute those funds within the first 90 days of each fiscal
25 year

26 Sec 7 (1) Local communities may use grant funds to hire
27 local police officers or to hire additional state troopers or

1 sheriff's secondary road patrol officers If the local community
2 chooses to use grant funds for additional state troopers or
3 sheriff's secondary road patrol officers, it is the department's
4 responsibility to use the grant funds to hire the additional
5 state officers

6 (2) Grant funds shall be used to increase the police force
7 of the local community Grant funds shall not be used to fund
8 the local community's maintenance police force or to hire offi-
9 cers whose primary functions are administrative

10 Sec 8 (1) Grant funds will be distributed within 90 days
11 after the beginning of each fiscal year based on the availability
12 of funds

13 (2) The distribution of grant funds is subject to the fol-
14 lowing limitations

15 (a) No more than 10% of the funds may be contributed toward
16 the hiring of additional state troopers

17 (b) No more than 10% of the funds may be contributed toward
18 the hiring of additional sheriff's secondary road patrol
19 officers

20 Sec 9 (1) Local communities that receive grant funds
21 shall use the funds for police officer salaries before the end of
22 the fiscal year in which the funds were received Grant funds
23 that have not been used or encumbered by the local community
24 shall be returned, along with any accrued interest, within 30
25 days after the end of the fiscal year for which they were
26 awarded

1 (2) Each year local communities that receive grant funds
2 shall conduct an audit of all receipts and disbursements of grant
3 funds and shall submit an audit report to the commission Audit
4 reports submitted to the commission shall be prepared in accord-
5 ance with generally accepted accounting principles

6 (3) The department or an agent of the department may conduct
7 a separate audit to investigate any inappropriate use of grant
8 funds Local communities that use grant funds inappropriately
9 may, at the discretion of the department and the commission, be
10 required to refund to the department the amount of the grant that
11 was used inappropriately or may be temporarily or permanently
12 prohibited from applying for future grant funds

13 Sec 10 The legislature shall annually appropriate funds
14 for the program