

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 78 (Substitute S-2 as reported)
Sponsor: Senator Jon Cisky
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to revise provisions authorizing a Federal law enforcement officer to enforce Michigan law. Currently, the Code authorizes a Federal law enforcement officer to arrest a person if the officer possesses a warrant for the person's arrest for the commission of a felony or the officer has received positive information from an authoritative source that another Federal law enforcement officer or peace officer possesses a felony arrest warrant.

The bill would delete that provision and specifies, instead, that a Federal law enforcement officer could enforce State law to the same extent as a State or local officer only if the officer were authorized under Federal law to arrest a person, with or without a warrant, for a violation of a Federal statute; the officer were authorized by Federal law to carry a firearm in the performance of his or her duties; and one or more of the following applied:

- The officer possessed a State warrant for the arrest of the person for a felony.
- The officer had received positive information from an authoritative source, in writing or by telegraph, telephone, teletype, radio, computer, or other means, that another Federal law enforcement officer or a peace officer possessed a State warrant for the arrest of the person for a felony.
- The officer was participating in a joint investigation conducted by a Federal agency and a State or local law enforcement agency.
- The officer was acting pursuant to the request of a State or local law enforcement officer or agency.
- The officer was responding to an emergency (a sudden or unexpected circumstance that required immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act).

A Federal law enforcement officer who met those requirements would have the privileges and immunities of a Michigan peace officer, but the bill would not impose liability upon or require indemnification by the State or a local unit of government for an act performed by a Federal law enforcement officer.

MCL 764.15d

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Date Completed: 11-12-98

Fiscal Analyst: B. Baker