

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 78 (as introduced 1-28-97)
Sponsor: Senator Jon Cisky
Committee: Judiciary

Date Completed: 11-10-98

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 only if all of the following conditions were met:

- The officer was authorized under Federal law to arrest a person, with or without a warrant, for a violation of a Federal statute.
- The officer was authorized by Federal law to carry a firearm in the performance of his or her duties.
- The officer's enforcement of State law was limited to participating in a joint investigation conducted by a Federal agency and a State or local law enforcement agency, acting pursuant to the request of a local or State officer, or responding to an emergency.

Under the bill, a Federal law enforcement officer who met those requirements would have the privileges and immunities of a Michigan peace officer. Absent an "emergency", a Federal law enforcement officer who engaged in law enforcement or an investigation pursuant to the bill would have to provide notice of the enforcement or investigative action to each of the following, as applicable:

- The chief of police or sheriff of the local unit of government, or his or her designee, if the action occurred within a local unit of government.
- The director or chief officer of a State agency or department, or that person's designee, if the action occurred on property under the control of a State agency or department.

("Emergency" would mean 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 officer would have to provide the notice within a reasonable time before undertaking the enforcement or investigative action.

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.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.