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SFA



BILL ANALYSIS

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Senate Bill 614 (Substitute S-3 as passed by the Senate)
Senate Bill 758 (Substitute S-1 as passed by the Senate)
Senate Bill 759 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Jon Cisky
Committee: Judiciary

Date Completed: 12-4-97

RATIONALE

Public Act 120 of 1990 was enacted to authorize the governing boards of public four-year colleges and universities to grant their public safety officers the same powers as granted by law to peace and police officers. Although a number of higher education institutions previously had established public safety departments, the scope of the officers' responsibility varied from one institution to another, and there were times when it was not clear whether the campus police or the local police agency had jurisdiction over incidents that occurred on campus. Also, campus police officers were authorized to exercise full police powers only when they were deputized by a county sheriff. Although Public Act 120 addressed these issues, it applies only to higher education institutions created under Article VIII of the State Constitution. It now has been suggested that community colleges also should have the authority to grant their public safety officers the powers of peace or law enforcement officers.

CONTENT

Senate Bill 614 (S-3) would amend the Community College Act to allow the board of trustees of a community college to grant to its public safety officers or police officers the powers and authority of a peace or law enforcement officer. **Senate Bill 758 (S-1)** would amend the Revised School Code to allow the board of a school district operating a community college (i.e., Henry Ford Community College) to establish a department of public safety for that community college and grant to the public safety officers the authority of peace or law enforcement officers. **Senate Bill 759 (S-2)** would amend the Michigan Liquor Control Act to authorize college campus police to enforce the Act. The bills are tie-barred to each other.

Senate Bills 614 (S-3) and 758 (S-1)

Under both bills, community college public safety or police officers to whom the powers and authority of a peace or law enforcement officer were granted would have to meet the minimum standards of the Michigan Law Enforcement Officers Training Council Act. Senate Bill 614 (S-3) also provides that public safety or police officers granted the authority of peace or law enforcement officers would have the same powers and authority of a peace officer under the Code of Criminal Procedure and as provided under the Michigan Vehicle Code.

Both bills provide that, before granting community college public safety or police officers the powers and authority of peace or law enforcement officers, a community college board of trustees would have to conduct at least two public hearings.

A community college board of trustees could not grant the powers and authority of peace or law enforcement officers to its public safety or police officers unless it created a public safety oversight committee. The oversight committee would have to comprise two members of the faculty and two members of the staff of the community college. The oversight committee would receive and address grievances by persons against the community college's public safety or police officers or against its public safety or police department. The oversight

committee could recommend to the community college's board of trustees or administration that disciplinary measures be taken against a public safety or police officer who was found responsible for misconduct in office.

The jurisdiction of a community college's public safety or police officers granted powers and authority of peace or law enforcement officers would include all property owned or leased by the community college in Michigan and extend to the public right-of-way traversing or contiguous to that property. Senate Bill 614 (S-3) provides that jurisdiction would be limited to the protection of persons and property on the community college's property, unless an emergency response were made off campus at the specific request of another law enforcement agency. Under Senate Bill 758 (S-1), jurisdiction would be limited to the protection of persons and property on the college's property, unless a response were made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.

Both bills would require the public safety or police department of each community college to submit monthly uniform crime reports pertaining to crimes within the Department's jurisdiction to the Department of State Police as is required of local police departments and county sheriffs' departments under the uniform crime reporting Act (MCL 28.251).

Senate Bill 759 (S-2)

The bill would amend the Michigan Liquor Control Act to authorize college campus police to enforce the Act and rules promulgated by the Liquor Control Commission. That authority is currently granted to county sheriffs and their deputies, local police officers, members of the State Police, and inspectors of the Commission. The bill would add to that list officers of a State university or community college.

In addition, the Act provides that a county sheriff or deputy, a local police officer, a State Police officer, or a Commission inspector who witnesses a violation involving alcohol purchase, consumption, or possession by a person under 21 years of age may stop and detain that person to obtain identification, seize the alcohol, and issue an appearance ticket. The bill would include officers of a State university or community college in that authorization. The bill also would delete provisions defining "appearance ticket" and specifying what a court must do if an appearance ticket is issued. The bill, instead, would refer to an appearance ticket "as prescribed in section 9b of the code of criminal procedure" (which provides that a police may issue and serve an appearance ticket upon a person arrested without a warrant for a minor offense, and may release the person from custody).

Proposed MCL 389.128-389.131 (S.B. 614)
Proposed MCL 380.1606b-380.1606e (S.B. 758)
MCL 436.1 & 436.33c (S.B. 759)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Like campus police at higher education institutions, community colleges' public safety officers may be better prepared to respond to and handle incidents that take place on campus. In addition, community colleges sometimes are spread out over multiple sites, which may be located in unsafe neighborhoods. By authorizing community colleges to grant their public safety officers the powers of peace or law enforcement officers, Senate Bills 614 (S-3) and 758 (S-1) would increase the protection of students, faculty, staff, and other members of the public. Moreover, the bills are nearly identical to provisions of Public Act 120 of 1990 that pertain to the authority that may be granted to public safety officers and their jurisdiction, the requirements for public hearings and an oversight committee, compliance with minimum employment standards, and the submission of monthly crime reports.

Supporting Argument

Requiring campus police to enforce the Liquor Control Act would be consistent with granting them the authority of law enforcement officers. Many incidents on campus may involve the illegal consumption or sale of alcoholic

beverages, and campus police should have the duty to address these violations.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bills 614 (S-3) & 758 (S-1)

The bills would have no fiscal impact on State or local government. Many community colleges within the State (Macomb, Lansing, Delta, Grand Rapids, Oakland, and Kirkland, for example) already employ a Public Safety Department consisting of peace officers certified by the Michigan Law Enforcement Officers Training Council. These officers are deputized by a local law enforcement agency, but otherwise work directly for a community college. The bill would permit the shift of the ability to grant the power and authority of a police officer from a local law enforcement agency to a community college.

Senate Bill 759 (S-2)

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

Fiscal Analyst: B. Baker (S.B. 614 & 758)
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