

**SUBSTITUTE FOR
SENATE BILL NO. 78**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 15d of chapter IV (MCL 764.15d), as added by
1987 PA 256.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV

2 Sec. 15d. ~~A federal law enforcement officer may arrest a~~
3 ~~person in either of the following situations:~~

4 ~~(a) The officer possesses a warrant for the arrest of the~~
5 ~~person for the commission of a felony.~~

6 ~~(b) The officer has received positive information from an~~
7 ~~authoritative source, in writing or by telegraph, telephone,~~
8 ~~teletype, radio, computer, or other means, that another federal~~
9 ~~law enforcement officer or a peace officer possesses a warrant~~
10 ~~for the arrest of the person for the commission of a felony.~~

1 (1) A FEDERAL LAW ENFORCEMENT OFFICER MAY ENFORCE STATE LAW
2 TO THE SAME EXTENT AS A STATE OR LOCAL OFFICER ONLY IF ALL OF THE
3 FOLLOWING CONDITIONS ARE MET:

4 (A) THE OFFICER IS AUTHORIZED UNDER FEDERAL LAW TO ARREST A
5 PERSON, WITH OR WITHOUT A WARRANT, FOR A VIOLATION OF A FEDERAL
6 STATUTE.

7 (B) THE OFFICER IS AUTHORIZED BY FEDERAL LAW TO CARRY A
8 FIREARM IN THE PERFORMANCE OF HIS OR HER DUTIES.

9 (C) ONE OR MORE OF THE FOLLOWING APPLY:

10 (i) THE OFFICER POSSESSES A STATE WARRANT FOR THE ARREST OF
11 THE PERSON FOR THE COMMISSION OF A FELONY.

12 (ii) THE OFFICER HAS RECEIVED POSITIVE INFORMATION FROM AN
13 AUTHORITATIVE SOURCE, IN WRITING OR BY TELEGRAPH, TELEPHONE,
14 TELETYPE, RADIO, COMPUTER, OR OTHER MEANS, THAT ANOTHER FEDERAL
15 LAW ENFORCEMENT OFFICER OR A PEACE OFFICER POSSESSES A STATE WAR-
16 RANT FOR THE ARREST OF THE PERSON FOR THE COMMISSION OF A
17 FELONY.

18 (iii) THE OFFICER IS PARTICIPATING IN A JOINT INVESTIGATION
19 CONDUCTED BY A FEDERAL AGENCY AND A STATE OR LOCAL LAW ENFORCE-
20 MENT AGENCY.

21 (iv) THE OFFICER IS ACTING PURSUANT TO THE REQUEST OF A
22 STATE OR LOCAL LAW ENFORCEMENT OFFICER OR AGENCY.

23 (v) THE OFFICER IS RESPONDING TO AN EMERGENCY.

24 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A FED-
25 ERAL LAW ENFORCEMENT OFFICER WHO MEETS THE REQUIREMENTS OF SUB-
26 SECTION (1) HAS THE PRIVILEGES AND IMMUNITIES OF A PEACE OFFICER
27 OF THIS STATE.

1 (3) THIS SECTION DOES NOT IMPOSE LIABILITY UPON OR REQUIRE
2 INDEMNIFICATION BY THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR AN
3 ACT PERFORMED BY A FEDERAL LAW ENFORCEMENT OFFICER UNDER THIS
4 SECTION.

5 (4) AS USED IN THIS SECTION:

6 (A) "EMERGENCY" MEANS A SUDDEN OR UNEXPECTED CIRCUMSTANCE
7 THAT REQUIRES IMMEDIATE ACTION TO PROTECT THE HEALTH, SAFETY,
8 WELFARE, OR PROPERTY OF AN INDIVIDUAL FROM ACTUAL OR THREATENED
9 HARM OR FROM AN UNLAWFUL ACT.

10 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VIL-
11 LAGE, OR TOWNSHIP.