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BILL ANALYSIS

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Senate Bill 1222 (Substitute S-1 as reported)
Sponsor: Senator Thaddeus G. McCotter
Committee: Judiciary

Date Completed: 5-9-00

RATIONALE

Under the law, authority for a police officer to make an arrest without a warrant is generally limited to situations in which the officer either witnesses an offense being committed or has reasonable cause to believe that a serious offense such as a felony, escape from incarceration, or a drunk driving violation, has occurred. In order to improve school security and protect the well-being of children, some people believe that a peace officer's authority to make a warrantless arrest should be extended to misdemeanors committed on school property.

CONTENT

The bill would amend the Code of Criminal Procedure to allow a peace officer to arrest a person without a warrant for a misdemeanor committed on "school property". The bill would take effect 90 days after its enactment.

The Code allows a peace officer to arrest a person, without a warrant, in certain situations. These include situations in which a felony, misdemeanor, or ordinance violation is committed in the officer's presence; a person has committed a felony, though not in the officer's presence; a felony has been committed and the officer has reasonable cause to believe the person committed it; the officer has reasonable cause to believe the person to be arrested has escaped from incarceration or violated parole or probation; and the officer has reasonable cause to believe that a traffic accident resulted from a drunk driving violation. The bill would add situations in which an officer had reasonable cause to believe that a misdemeanor had taken place or was currently taking place on school property and that the person to be arrested had committed or was currently committing the violation, regardless of whether the violation was committed in the peace officer's presence.

For purposes of the bill, "school property" would be defined as it is in the Public Health Code's drug-free school zone provision (MCL 333.7410). That section

defines school property as "a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses".

MCL 764.15

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

Children are among society's most vulnerable citizens and deserve the greatest possible protection and security. Schools should serve as a safe haven for children, and school property should be as secure from threats and violence as it can possibly be. This is not always the case, however, as evidenced by widely publicized incidents of schoolhouse violence and threats in Michigan and across the country. In order to enhance school safety, the bill would extend warrantless arrest authority to situations in which an officer had reasonable cause to believe that a misdemeanor had occurred or was occurring, but only if the violation were on school grounds. While this may seem to be a departure from the established standards for warrantless arrest, concern for the security and safety of children justifies this proposal. The law already allows warrantless arrests in domestic assault situations and for violations of domestic violence personal protection orders, which also serves to protect vulnerable individuals (MCL 764.15a & 764.15b). The bill would promote the personal safety of school children and afford them a more secure learning environment, by providing for the expeditious removal of an individual who posed a threat to students and/or school personnel.

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.