

SENATE BILL NO. 320

February 17, 1999, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "law enforcement pursuit and response policy act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the commission on law enforcement
5 standards created by section 3 of the commission on law
6 enforcement standards act, 1965 PA 203, MCL 28.603.

1 (b) "Governmental agency" means that term as defined in
2 section 1 of 1964 PA 170, MCL 691.1401, and includes a
3 combination of 1 or more governmental agencies.

4 (c) "Law enforcement agency" means a police agency of a
5 city, village, or township; a sheriff's department; the depart-
6 ment of state police, including, but not limited to, the motor
7 carrier division of the department of state police; the law
8 enforcement division of the department of natural resources; a
9 police agency of a county or regional park whose officers are
10 appointed pursuant to section 14 of 1965 PA 261, MCL 46.364; or a
11 public safety department of a community college or a 4-year
12 institution of higher education whose officers are granted the
13 powers and authority of peace and police officers under section 1
14 of 1990 PA 120, MCL 390.1511, or section 5a of 1965 PA 278,
15 MCL 390.715a.

16 (d) "Law enforcement pursuit and response" means the opera-
17 tion of a law enforcement vehicle in a manner described in or
18 authorized by section 603 or 632 of the Michigan vehicle code,
19 1949 PA 300, MCL 257.603 and 257.632.

20 (e) "Law enforcement vehicle" means a motor vehicle owned or
21 operated by a law enforcement agency.

22 (f) "Motor vehicle" means that term as defined in section 33
23 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

24 (g) "Panel" means the law enforcement vehicle pursuit and
25 response policy advisory panel created in section 3.

26 Sec. 3. (1) A law enforcement vehicle pursuit and response
27 policy advisory panel is created within the commission.

1 (2) The advisory panel shall consist of the members of the
2 commission and at a minimum 1 individual as a member and 1 indi-
3 vidual as an alternate member from each of the following groups,
4 selected by the commission from a list of individuals provided by
5 each of the following groups:

6 (a) Michigan association of counties.

7 (b) Prosecuting attorneys association of Michigan.

8 (c) Michigan municipal league.

9 (d) Michigan townships association.

10 (e) An organization of police officers who regularly perform
11 law enforcement duties upon urban streets or roads.

12 (f) An organization of police officers who regularly perform
13 law enforcement duties upon suburban streets or roads.

14 (g) An organization of police officers who regularly perform
15 law enforcement duties upon rural streets or roads.

16 (h) An organization of police officers who regularly perform
17 law enforcement duties upon limited access highways.

18 (3) Each entity that provides a list of individuals under
19 subsection (2) shall specifically state which individuals are
20 being nominated for selection as a member and which individuals
21 are being nominated for selection as an alternate member.

22 (4) Except for initial members, a member of the panel
23 selected under subsection (2) shall serve for a term of 2 years
24 or until a successor is selected. Of the members initially
25 selected under subsection (2), 3 of the members shall be selected
26 for a term of 4 years, 3 of the members shall be selected for a

1 term of 3 years, and 2 of the members shall be selected for a
2 term of 2 years.

3 (5) A vacancy on the panel shall be filled in the same
4 manner as the original selection.

5 (6) If a member of the panel is absent from a panel meeting,
6 the individual serving as the alternate member for that member
7 shall act as a member of the panel at that meeting.

8 (7) The members of the panel shall be selected by the com-
9 mission within 90 days after the effective date of this act and
10 shall hold their first meeting within 90 days after appointment.

11 Sec. 4. (1) The advisory panel shall hold a regular annual
12 meeting at a place and on a date fixed by the panel. Special
13 meetings may be called by the chairperson or by not less than 7
14 panel members on at least 3 business days' actual notice.

15 (2) A majority of the panel members selected and serving
16 constitute a quorum. Final action by the panel shall be only by
17 affirmative vote of a majority of the panel members appointed and
18 serving. A panel member shall not vote by proxy.

19 (3) The members of the panel shall serve without
20 compensation. Expenses of members incurred in the performance of
21 official duties shall be reimbursed as provided by law for state
22 employees.

23 (4) The panel shall assist the commission in performing its
24 duties. The commission shall provide facilities for meetings of
25 the panel and necessary office and clerical assistance.

26 Sec. 6. Within 1 year after the first meeting of the panel,
27 the commission, with the advice of the panel, shall develop a

1 model law enforcement vehicle pursuit and response policy
2 governing emergency operation of law enforcement vehicles by a
3 governmental agency. A model law enforcement vehicle pursuit and
4 response policy developed under this section shall do all of the
5 following:

6 (a) Define the model policy's coverage.

7 (b) Recognize that pursuit or response has the potential for
8 risk or harm.

9 (c) Identify the circumstances warranting initiation, main-
10 tenance, or termination of law enforcement pursuit or response,
11 based on the following criteria:

12 (i) The risks to the physical safety of employees and the
13 public, including innocent bystanders, of initiating or maintain-
14 ing law enforcement pursuit or response.

15 (ii) For law enforcement pursuits involving the chase of a
16 person charged with or suspected of a violation of law, the
17 danger to society of not effecting immediate apprehension,
18 including consideration of the seriousness and immediacy of the
19 threat posed by a pursued person and the adequacy of alternative
20 apprehension methods.

21 (d) Identify procedures for a law enforcement agency's ini-
22 tiation, maintenance, and termination of law enforcement pursuit
23 and response and include all of the following:

24 (i) Authorization for an employee other than an employee
25 actively engaged in the law enforcement pursuit or response to
26 prohibit, modify, or terminate the pursuit or response.

1 (ii) Specific rules governing law enforcement pursuits and
2 responses that cross jurisdictional boundaries.

3 (iii) Specific rules governing permissible law enforcement
4 pursuit and response methods and tactics.

5 (e) Establish guidelines requiring a law enforcement agency
6 to internally monitor the effects of its law enforcement pursuit
7 and response policy.

8 (f) Establish minimum requirements for law enforcement vehi-
9 cle operators and provide guidelines for training employees to
10 comply with an adopted law enforcement vehicle pursuit and
11 response policy.

12 (g) Include any other provision the panel considers neces-
13 sary for a model law enforcement vehicle pursuit and response
14 policy.

15 Sec. 7. The commission shall report the model law enforce-
16 ment vehicle pursuit and response policy developed by the
17 advisory panel under section 6 to all of the following:

18 (a) Each house of the legislature.

19 (b) Each law enforcement agency in this state.

20 Sec. 8. (1) A governmental agency may adopt all or a por-
21 tion of the model law enforcement vehicle pursuit and response
22 policy developed under section 6, or may develop and adopt its
23 own law enforcement vehicle pursuit and response policy. If a
24 governmental agency adopts the model policy, it shall notify the
25 commission.

26 (2) If a governmental agency adopts either part of the model
27 policy and part of its own policy or an entire policy of its own,

1 the agency may send that policy to the commission for review and
2 comment. The commission shall make its review and comments in
3 writing including any recommendations for revision and improve-
4 ment to the policy and return those comments as soon as possible
5 to the governmental agency.

6 (3) If a governmental agency discontinues all or a portion
7 of a law enforcement vehicle pursuit and response policy adopted
8 under this act, the governmental agency shall immediately inform
9 the commission in writing of the date on which the law enforce-
10 ment vehicle pursuit and response policy was discontinued.

11 (4) The commission shall keep a record of what type of
12 policy each governmental agency adopts.

13 Sec. 9. The panel shall meet at least once annually to
14 review the law enforcement vehicle pursuit and response policy
15 developed under section 6.

16 Sec. 10. This act takes effect January 1, 2000.

17 Sec. 11. This act is repealed 5 years after its effective
18 date.

19 Enacting section 1. This act does not take effect unless
20 Senate Bill No. 319

21 of the 90th Legislature is enacted into law.