

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5501 (Substitute S-1 as reported)
Sponsor: Representative Randy Richardville
House Committee: Veterans Affairs
Senate Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would amend the Michigan Military Act to expand the law enforcement powers of the State's organized militia, and expand the duties of the Director of the Department of Military and Veterans Affairs, regarding responding to terrorism and safeguarding the State's military property and vital resources (public or private buildings, facilities, property, functions, or locations that the Governor considered necessary to protect the public health, safety, and welfare of the citizens of the State). The bill would take effect on May 1, 2002.

Under the Act, if any portion of the organized militia is called into service to execute laws, engage in disaster relief, suppress or prevent riot or insurrection, or repel invasion, or to assist in the enforcement of drug laws, a commanding officer must use his or her judgment in apprehending or dispersing a sniper, rioter, mob, or unlawful assembly. Under the bill, that provision also would apply when the organized militia was activated to respond to acts or threats of terrorism or to safeguard military or other vital resources of this State or the United States. In addition, a commanding officer could apprehend a person on a State military base, armory base, air base, or vital resource if he or she had reasonable cause to believe that the person had committed on that property a felony or a misdemeanor punishable by more than 92 days' imprisonment. A commanding officer, or an individual under his or her command, also could apprehend a person on that property if the person committed a crime there in the presence of the individual.

The Act provides that a member of the organized militia has the immunity of a peace officer under certain circumstances. Under the bill, this immunity also would apply to a member who had been ordered by the Governor to respond to acts or threats of terrorism or to safeguard military or other vital resources and who was acting in the line of duty.

The Act specifies the role and responsibilities of the Adjutant General, who is the military advisor to the Governor and the Director of the Department of Military and Veterans Affairs. The bill would add to the Adjutant General's duties the development and implementation of plans for the defense of State military personnel, lands, installations, and vital resources. If the Governor declared military property or any part of military property to be a vital resource of the State, the Adjutant General could limit access to and from property used for military purposes, if necessary for the protection of military personnel, installations, property, or vital resources or if necessary to protect the public health, safety, and welfare of Michigan citizens.

MCL 32.505 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 3-8-02

Fiscal Analyst: Bruce Baker