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House Bill 5494 (Substitute H-1 as passed by the House)
Sponsor: Representative Larry Julian
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-28-04

CONTENT

The bill would enact the "Michigan Law Enforcement Officers Memorial Act" to:

- Create the Michigan Law Enforcement Officers Memorial Monument Fund and Commission.**
- Require the Commission to oversee the financing, design, and construction of a memorial monument dedicated to law enforcement officers from Michigan who died in the line of duty.**
- Prohibit the use of telemarketing to raise funds, limit other fund-raising activities, and make it a misdemeanor to violate these provisions.**
- Dissolve the Commission after the monument was completed and amounts due were paid.**

Monument Commission

The Commission would be created as a Type II agency within the Department of Management and Budget. The Commission would be the governing body of the Monument Fund, and would consist of the State Treasurer and the Attorney General (or their designees) and the following five members appointed by the Governor:

- A police chaplain with five or more years' experience as a police chaplain.
- One member nominated by the Michigan State Troopers Association who was a survivor of a Michigan State Police officer killed on duty.
- One member nominated by the executive director of the Sheriff's Association of Michigan who was a survivor of an officer of a county sheriff's department killed on duty.
- One member nominated by the chief of police of the police department of a municipality with a population over 500,000, who was a survivor of an officer of that police department killed on duty.
- One member nominated by the executive director of the Michigan Fraternal Order of Police who was a survivor of an officer killed on duty who served with the police department of a municipality with a population of 500,000 or less.

Commission members would serve four-year terms. The Commission would have to convene within six months after the first deposit of money in the Monument Fund, and would have to meet often enough to expedite the completion of the monument. The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

Memorial Monument

The Commission would be required to oversee the financing, design, and construction of a memorial monument dedicated to law enforcement officers from Michigan who died in the

line of duty. It would have to solicit designs for the monument and select the final design. The name of each law enforcement officer who died in the line of duty would have to be inscribed on the monument.

The monument would have to be located on land under the jurisdiction of the Michigan Capitol Park Commission, in consultation with that commission, but could not be located on the grounds of the State Capitol.

Monument Fund & Fund-Raising

The Monument Fund would be created in the Department of Treasury. The State Treasurer would have to seek appropriate Federal tax status for the Fund, and credit to it the money appropriated for the Fund, money received from grants and gifts, and all interest accruing on money in the Fund. The Commission could use money in the Fund as described above.

The Commission could accept on behalf of the Fund grants and gifts from the Federal government, an individual, a public or private corporation, organization, or foundation, or any other source. The Commission's acceptance and use of Federal funds would not commit State money or obligate the Legislature to continue the purposes for which Federal money was made available.

The bill would prohibit a person from doing the following:

- Soliciting or collecting money for the Fund through the use of telemarketing.
- Conducting any fund-raising activities in the name of the Fund without prior written approval from the Commission.
- Using the name or logo of the Fund or Commission in any fund-raising activity without the Commission's prior written approval.

A person who violated these provisions would be guilty of a misdemeanor for each separate violation. The offense would be punishable by imprisonment for up to one year and/or a maximum fine of \$1,000.

Dissolution

The Commission would be dissolved after the construction of the monument was completed and all amounts due in connection of the monument were paid. Any balance remaining in the Fund would have to be used to maintain the monument.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would result in minimal administrative costs to the Department of Management and Budget and the Department of Treasury.

The bill would have an indeterminate fiscal impact on local governments. There are no data to indicate how many offenders would be convicted of the proposed misdemeanors. Local units would incur the costs of probation and incarceration in a local facility. Public libraries would benefit from any additional penal fine revenue collected.

Fiscal Analyst: Bill Bowerman
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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.