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BILL ANALYSIS

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Senate Bill 1233 (as passed by the Senate)
Sponsor: Senator Bruce Patterson
Committee: Judiciary

Date Completed: 5-11-06

RATIONALE

Public Act 378 of 2004 created the Public Body Law Enforcement Agency Act to allow a "public body" to create a law enforcement agency by resolution of its governing entity. A public body, under the Act, is either a multicounty metropolitan park district established by two or more counties with a combined population of at least 3 million, or a school district meeting certain membership and population criteria (Detroit and Grand Rapids). A public body may not create a law enforcement agency under the Act, however, without obtaining the approval of the prosecuting attorney of each county within which the public body owns, maintains, or controls property. If the property is located entirely within one city, the chief of police of that city also must give his or her approval. If the property is *not* limited to one city, the public body must obtain the approval of the sheriff of each county within which it owns, maintains, or controls property. The Act also requires the approval of the county sheriff if all of the property of the public body is in a county that does *not* have a first class school district.

Evidently, under those provisions for the approval of a county sheriff, Wayne County is the only county in Michigan whose sheriff does not have a role in approving the creation of a public body law enforcement agency. Rather than excluding the Wayne County sheriff, some people believe that the sheriff's approval should be required in all counties.

CONTENT

The bill would amend the Public Body Law Enforcement Agency Act to require the approval of the sheriff of each county within

which a public body owned, maintained, or controlled property before the public body could create a law enforcement agency under the Act.

The bill would delete the requirement that a public body obtain the approval of the sheriff of each county within which it owns, maintains, or controls property, if the property is not located entirely within one city.

The bill also would delete the requirement for approval of the county sheriff if all of the property of the public body is in a county that does not have a first class school district.

(Under the Act, "public body" means either 1) a multicounty metropolitan district authorized and established pursuant to State law by two or more counties with a combined population of at least 3 million, for the purpose of cooperative planning, promoting, acquiring, constructing, owning, developing, maintaining, or operating parks; or 2) a school district that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent Federal decennial census.)

MCL 28.584

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

The bill would extend to the sheriff of Wayne County powers that currently are granted to

all other county sheriffs. The introduced version of House Bill 5906 of 2003-04, which proposed the Public Body Law Enforcement Agency Act, would have required the approval of the county sheriff for the creation of any public body law enforcement agency. That bill was amended on the House floor, however, to require a county sheriff's approval only if the property owned by the public body is not located entirely within one city or if all of the property of the public body is in a county that does not have a first class school district, and the bill was enacted with that provision. Since Detroit has the only first class school district in Michigan, and the school district is located entirely within the City of Detroit, that provision essentially precludes the Wayne County sheriff from having any role in the approval of a public body law enforcement agency. The county sheriff's approval is required for the creation of such an agency in every other county in Michigan. The sheriff of the State's largest county should not be prevented from participating in the approval process for the creation of a public body law enforcement agency in that county.

Opposing Argument

The bill would change the procedures the Detroit Public School District has depended upon to create its own law enforcement agency and would jeopardize the significant progress the district already has made toward completing that goal. The school district has operated a department of public safety since 1992, and that department has worked in partnership with local law enforcement to ensure the safety and security of the district's students and staff. Following the requirements of the Public Body Law Enforcement Agency Act, the school district has held hearings on converting its public safety department into a certified law enforcement agency and is seeking the approval of the chief of the Detroit Police Department and the Wayne County prosecutor. By also requiring the approval of the Wayne County sheriff before the school district could create a law enforcement agency, the bill would add an unnecessary layer of bureaucracy that would impede the district's efforts.

Opposing Argument

The Wayne County sheriff reportedly has submitted a proposal to assume the duties of the Detroit Public School District's

department of public safety. It would be inappropriate for the sheriff essentially to have veto power over the district's creation of its own law enforcement agency while he is seeking a contractual relationship with the district to provide the same or similar services.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bruce 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.