

**SUBSTITUTE FOR  
HOUSE BILL NO. 6404**

A bill to amend 1935 PA 59, entitled

"An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,"

by amending section 6 (MCL 28.6), as amended by 2000 PA 83.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 6. (1) The commissioner and each officer of the  
2 department are vested with the powers of a conservator of the  
3 peace. They may also apply to any judicial officer of the state for

1 the issuance of search warrants, warrants of arrest or any other  
2 criminal process, or orders necessary when the institution of  
3 criminal proceedings for the discovery or punishment of a felony or  
4 a misdemeanor of any degree is ordered in writing by the attorney  
5 general in any case where the proper prosecuting attorney fails or  
6 refuses to act or give his or her approval. The commissioner and  
7 each officer of the department have all the immunities and matters  
8 of defense available to conservators of the peace or sheriffs, or  
9 both, in any action brought against them ~~by virtue~~ **BECAUSE** of  
10 acts done in the course of their employment.

11 (2) Any member of the department may serve and execute all  
12 criminal and civil process, when directed to do so by the governor  
13 or the attorney general, in actions and matters in which the state  
14 is a party. The commissioner and the department are under the  
15 immediate control and direction of the governor, and any member of  
16 the department may be employed by the attorney general in any  
17 investigation or matter under the jurisdiction of his or her  
18 department.

19 (3) The commissioner may, upon the order of the governor, call  
20 upon any sheriff or other police officer of any county, city,  
21 township, or village, within the limits of their respective  
22 jurisdictions, for aid and assistance in the performance of any  
23 duty imposed by this act. Upon being notified or called upon for  
24 aid and assistance, the officer concerned shall comply with the  
25 order to the extent requested. Refusal or neglect to comply with  
26 the order is misfeasance in office, and shall subject the officer  
27 refusing or neglecting to comply with the order to removal from

1 office.

2 (4) The commissioner shall formulate and put into effect plans  
3 and means of cooperating with the local police and peace officers  
4 throughout the state for the purpose of the prevention and  
5 discovery of crimes and the apprehension of criminals. Local police  
6 and peace officers shall cooperate with the commissioner in those  
7 plans and means. Every telegraph and telephone company operating  
8 within this state shall grant priority of service to the police  
9 agencies and to the state police when notified that the service is  
10 urgent and in the interests of the public safety.

11 (5) The commissioner and all officers of the department have  
12 all the powers of deputy sheriffs in the execution of the criminal  
13 laws of the state and of all laws for the discovery and prevention  
14 of crime, and have authority to make arrests without warrants for  
15 all violations of the law committed in their presence, including  
16 laws designed for the protection of the public in the use of the  
17 highways of the state, and to serve and execute all criminal  
18 process. The commissioner and all officers of the department also  
19 have the authority to exercise the powers of deputy sheriffs in the  
20 execution of civil bench warrants issued by a circuit court  
21 pursuant to any domestic relations matter and to serve a personal  
22 protection order or arrest an individual who is violating or has  
23 violated a personal protection order issued under section 2950 or  
24 2950a of the revised judicature act of 1961, 1961 PA 236, MCL  
25 600.2950 and 600.2950a, **OR A STUDENT BODY PROTECTION ORDER ISSUED**  
26 **UNDER SECTION 2976 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**  
27 **236, MCL 600.2976.** The commissioner and all officers of the

1 department shall cooperate with other state authorities and local  
2 authorities in detecting crime, apprehending criminals, and  
3 preserving law and order throughout the state.

4 Enacting section 1. This amendatory act takes effect 90 days  
5 after the date it is enacted.

6 Enacting section 2. This amendatory act does not take effect  
7 unless House Bill No. 6403 of the 93rd Legislature is enacted into  
8 law.