

# HOUSE BILL No. 4770

May 11, 2005, Introduced by Reps. Virgil Smith, Lipsey, Clack, Murphy, Hunter, Alma Smith, McConico, Gillard, Waters, Miller and Cheeks and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 479c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 479C. (1) A PEACE OFFICER SHALL NOT USE THE RACIAL  
2 CHARACTERISTICS OR SKIN COLOR OF ANY INDIVIDUAL AS THE SOLE BASIS  
3 FOR CONDUCTING AN INVESTIGATIVE STOP.

4        (2) A PEACE OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A  
5 CRIME AS FOLLOWS:

6        (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PEACE OFFICER  
7 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
8 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

9        (B) A PEACE OFFICER WHO COMMITS A SECOND OR SUBSEQUENT  
10 VIOLATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN  
2 \$15,000.00, OR BOTH.

3 (3) THIS SECTION APPLIES ONLY IF THE PEACE OFFICER VIOLATES  
4 ANOTHER PENAL LAW OF THIS STATE IN CONJUNCTION WITH THE VIOLATION OF  
5 THIS SECTION.

6 (4) AS USED IN THIS SECTION, "PEACE OFFICER" MEANS ANY OF THE  
7 FOLLOWING:

8 (A) A SHERIFF OR DEPUTY SHERIFF.

9 (B) AN OFFICER OF THE POLICE DEPARTMENT OF A CITY, VILLAGE, OR  
10 TOWNSHIP.

11 (C) A MARSHALL OF A CITY, VILLAGE, OR TOWNSHIP.

12 (D) A CONSTABLE.

13 (E) AN OFFICER OF THE MICHIGAN STATE POLICE.

14 (F) A CONSERVATION OFFICER.

15 (G) A SECURITY EMPLOYEE EMPLOYED BY THE STATE UNDER SECTION 6C OF  
16 1935 PA 59, MCL 28.6C.

17 (H) A MOTOR CARRIER OFFICER APPOINTED UNDER SECTION 6D OF 1935 PA  
18 59, MCL 28.6D.

19 (I) A POLICE OFFICER OR PUBLIC SAFETY OFFICER OF A COMMUNITY  
20 COLLEGE, COLLEGE, OR UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING  
21 BOARD OF THAT COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE  
22 STATE LAW AND THE RULES AND ORDINANCES OF THAT COMMUNITY COLLEGE,  
23 COLLEGE, OR UNIVERSITY.

24 (J) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION 1606  
25 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
26 451, MCL 324.1606.