

HOUSE BILL No. 6023

May 2, 2006, Introduced by Reps. Espinoza, Leland, Jones, Sheltroun, Nofs, Gleason, Green, McDowell, Tobocman, Spade, Angerer, Plakas, Gonzales, Polidori, Zelenko, Murphy, Clack and Anderson and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 5207a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5207A. (1) NOTWITHSTANDING SECTION 5207, A PEACE OFFICER
2 WHO DISCOVERS, SUSPECTS, OR HAS REASON TO BELIEVE THAT AN
3 INDIVIDUAL OR GROUP OF INDIVIDUALS MAY HAVE BEEN EXPOSED TO A
4 CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, OR OTHER TOXIC AGENT
5 MAY TEMPORARILY DETAIN THAT INDIVIDUAL OR GROUP OF INDIVIDUALS FOR
6 OBSERVATION, EXAMINATION, TESTING, DIAGNOSIS, OR TREATMENT WITHOUT
7 A COURT ORDER IF A DELAY IN THE OBSERVATION, EXAMINATION, TESTING,
8 DIAGNOSIS, OR TREATMENT WOULD PLACE THE LIFE OR HEALTH OF THE
9 INDIVIDUAL, GROUP OF INDIVIDUALS, OR OTHERS AT RISK. AN INDIVIDUAL

1 OR GROUP OF INDIVIDUALS TEMPORARILY DETAINED UNDER THIS SECTION
2 SHALL NOT BE DETAINED LONGER THAN IS REASONABLY NECESSARY TO MAKE A
3 DETERMINATION AS TO WHETHER THE INDIVIDUAL OR GROUP OF INDIVIDUALS
4 IS A HEALTH THREAT TO THEMSELVES OR TO OTHERS.

5 (2) A PEACE OFFICER WHO IS TEMPORARILY DETAINING AN INDIVIDUAL
6 UNDER THIS SECTION MAY USE THAT KIND AND DEGREE OF FORCE THAT WOULD
7 BE LAWFUL IF THE PEACE OFFICER WERE EFFECTING AN ARREST FOR A
8 MISDEMEANOR WITHOUT A WARRANT. IN DETAINING THE INDIVIDUAL, A PEACE
9 OFFICER MAY TAKE REASONABLE STEPS FOR SELF-PROTECTION. THE
10 PROTECTIVE STEPS MAY INCLUDE A PAT-DOWN SEARCH OF THE INDIVIDUAL IN
11 THE INDIVIDUAL'S IMMEDIATE SURROUNDINGS, BUT ONLY TO THE EXTENT
12 NECESSARY TO DISCOVER AND SEIZE A DANGEROUS WEAPON THAT MAY BE USED
13 AGAINST THE OFFICER OR OTHER PERSONS PRESENT.

14 (3) AS USED IN THIS SECTION, "PEACE OFFICER" MEANS AN OFFICER
15 AS THAT TERM IS DEFINED UNDER SECTION 5204.