

SENATE BILL No. 163

January 29, 2009, Introduced by Senator BARCIA and referred to the Committee on Judiciary.

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 4 (MCL 28.4).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~Said~~~~THE~~ department shall consist of a ~~uniformed~~
2 ~~division, a~~ **PERSONNEL AND** ~~detective division, and such other~~
3 **PERSONNEL, ORGANIZED IN** divisions, bureaus, or branches as ~~have~~
4 ~~been or may be~~ established by law or by the ~~commissioner~~ **DIRECTOR**
5 in his **OR HER** discretion.

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1 (2) The ~~commissioner~~**DIRECTOR** shall establish a highway patrol
2 ~~in the uniform division~~ consisting of not less ~~FEWER~~ than 100
3 members.

4 (3) The ~~commissioner~~**DIRECTOR** shall appoint and employ all
5 members of ~~said~~**THE** department, and ~~they~~**WHO** shall be classified as
6 officers and civilian ~~employees~~**EMPLOYEES**.

7 (4) All persons appointed as officers shall be at the time of
8 their appointment not less than 21 years of age, ~~the maximum age~~
9 ~~limit to be fixed by the commissioner from time to time~~, shall be
10 of sound mind and body, **SHALL** be of good moral character, **SHALL** be
11 citizens of the United States and residents of the state of
12 Michigan, and shall possess such educational qualifications as the
13 ~~commissioner~~**DIRECTOR** may from time to time prescribe. All persons
14 appointed as officers shall execute the constitutional oath of
15 office before entering upon their duties. ~~No~~

16 (5) **AN** officer shall **NOT** be dismissed, ~~except when~~
17 ~~insufficient funds require a reduction in expenditures in which~~
18 ~~ease the officer or officers junior in point of service shall be~~
19 ~~discharged~~, until a due hearing on his **OR HER** removal shall be had
20 **IS HELD** as hereinafter provided **IN THIS ACT, UNLESS A REDUCTION IN**
21 **EXPENDITURES IS REQUIRED DUE TO INSUFFICIENT FUNDS, IN WHICH CASE**
22 **THE OFFICER OR OFFICERS JUNIOR IN POINT OF SERVICE SHALL BE**
23 **DISMISSED**. ~~Civilian employees~~**A CIVILIAN EMPLOYEE** may **NOT** be
24 dismissed at the will of the ~~commissioner~~**WITHOUT A DUE HEARING ON**
25 **HIS OR HER REMOVAL**.