

SUBSTITUTE FOR
SENATE BILL NO. 843

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 43b (MCL 400.43b), as added by 2002 PA 573.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 43b. (1) An office of inspector general is established as
2 a criminal justice agency in the ~~family independence agency.~~

3 **DEPARTMENT.** The primary duty of the inspector general is to
4 investigate cases of alleged fraud within the department. The
5 inspector general shall also perform the following activities:

6 (a) Investigate fraud, waste, and abuse in the programs
7 administered by the ~~family independence agency.~~**DEPARTMENT.**

8 (b) Make referrals for prosecution and disposition of
9 appropriate cases as determined by the inspector general.

10 (c) Review administrative policies, practices, and procedures.

1 (d) Make recommendations to improve program integrity and
2 accountability.

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (4), THE DIRECTOR MAY
4 APPOINT AGENTS WITH LIMITED ARREST POWERS FOR THE ENFORCEMENT OF
5 PROGRAMS ADMINISTERED BY THE DEPARTMENT SUBJECT TO PENALTY UNDER
6 SECTION 300A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.300A.
7 THE AGENTS APPOINTED UNDER THIS SECTION ARE BENEFIT TRAFFICKING
8 UNIT AGENTS OF THE DEPARTMENT OFFICE OF INSPECTOR GENERAL AND HAVE
9 ALL POWERS CONFERRED UPON PEACE OFFICERS FOR THE PURPOSE OF
10 ENFORCING THE GENERAL LAWS OF THIS STATE AS THEY PERTAIN TO
11 ENFORCEMENT OF THIS ACT. THE DIRECTOR MAY AUTHORIZE BENEFIT
12 TRAFFICKING UNIT AGENTS OF THE DEPARTMENT OFFICE OF INSPECTOR
13 GENERAL TO CARRY A FIREARM. THE DIRECTOR SHALL NOT APPOINT A PERSON
14 UNDER THIS SUBSECTION UNLESS THAT PERSON IS TRAINED IN AND HAS MET
15 OR EXCEEDS THE MINIMUM STANDARDS FOR CERTIFICATION UNDER THE
16 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
17 28.601 TO 28.616. THIS SUBSECTION DOES NOT REQUIRE CERTIFICATION
18 UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203,
19 MCL 28.601 TO 28.616.

20 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), IN ADDITION TO THE
21 LIMITED ARREST AUTHORITY GRANTED IN SUBSECTION (2), AN AGENT OF THE
22 OFFICE OF INSPECTOR GENERAL, WHILE ON DUTY, MAY ARREST A PERSON
23 WITHOUT A WARRANT IF 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES
24 EXIST:

25 (A) THE AGENT HAS PROBABLE CAUSE TO BELIEVE THAT A FELONY HAS
26 BEEN COMMITTED AND PROBABLE CAUSE TO BELIEVE THAT THE PERSON
27 COMMITTED IT.

1 (B) THE AGENT HAS PROBABLE CAUSE TO BELIEVE A FELONY OFFENSE
2 FOR FINANCIAL GAIN UNDER SECTION 159G(D) OR 159G(E) OF THE MICHIGAN
3 PENAL CODE, 1931 PA 328, MCL 750.159G, HAS BEEN COMMITTED AND
4 REASONABLE CAUSE TO BELIEVE THAT THE PERSON COMMITTED IT.

5 (C) THE AGENT HAS PROBABLE CAUSE TO BELIEVE THAT A FELONY
6 OFFENSE UNDER SECTION 300A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
7 MCL 750.300A, HAS BEEN COMMITTED AND PROBABLE CAUSE TO BELIEVE THAT
8 THE PERSON COMMITTED IT.

9 (D) THE AGENT HAS PROBABLE CAUSE TO BELIEVE THAT A FELONY
10 OFFENSE USING A FRAUDULENT DEVICE TO OBTAIN RELIEF UNDER SECTION 60
11 HAS BEEN COMMITTED AND PROBABLE CAUSE TO BELIEVE THAT THE PERSON
12 COMMITTED IT.

13 (E) THE AGENT HAS RECEIVED POSITIVE INFORMATION BY WRITTEN,
14 TELEGRAPHIC, TELETYPIC, TELEPHONIC, RADIO, OR OTHER AUTHORITATIVE
15 SOURCE THAT A PEACE OFFICER HOLDS A WARRANT FOR THE PERSON'S
16 ARREST.

17 (4) SUBSECTIONS (2) AND (3) REMAIN IN EFFECT AS LONG AS
18 FEDERAL STATUTE PROVIDES AUTHORIZATION TO THE STATES FOR SUCH
19 POWERS AND DUTIES UNDER THE AGRICULTURAL ACT OF 2014, PL 113-79 OR
20 A SUCCESSOR FEDERAL STATUTE.