

SUBSTITUTE FOR
HOUSE BILL NO. 5494

A bill to amend 2004 PA 378, entitled
"Public body law enforcement agency act,"
by amending sections 6 and 7 (MCL 28.586 and 28.587).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A law enforcement agency created under this act
2 shall comply with all of the following **REQUIREMENTS:**

3 (a) The agency shall be funded by the appropriation of public
4 funds only.

5 (b) The agency shall maintain liability insurance.

6 (c) The agency shall establish and abide by written policies
7 pertaining to all of the following:

8 (i) The authority of its law enforcement officers, including
9 the extent of those officers' authority to enforce the criminal

1 laws of this state and other state laws, local ordinances, and
 2 ordinances and regulations of the public body. If the law
 3 enforcement officers of that agency are granted any additional
 4 authority through deputization by a county sheriff or chief of
 5 police, the written policies shall describe that authority.

6 (ii) The specific geographic boundaries of the agency's
 7 jurisdiction.

8 (iii) The authority and responsibility of the chief law
 9 enforcement officer of the agency.

10 (iv) Employee discipline.

11 (v) The legal status of agencies and personnel who respond to
 12 mutual aid requests.

13 (vi) Any other written policy or procedure consistent with a
 14 policy or procedure implemented by the sheriff or chief of police
 15 whose approval is required under section 4.

16 (vii) The ~~requirements of section 9d of~~ **REQUIREMENT TO**
 17 **MAINTAIN EMPLOYMENT HISTORY RECORDS UNDER** the **MICHIGAN** commission
 18 on law enforcement standards act, 1965 PA 203, MCL ~~28.609d~~.**28.601**
 19 **TO 28.615.**

20 (viii) Any other policy or procedure required by statute.

21 (d) The agency shall develop and maintain an organizational
 22 chart describing the structure of the agency and the
 23 responsibilities and authority within the agency and shall develop
 24 and maintain written employment position descriptions for all
 25 personnel in the agency.

26 (2) A public body that creates a law enforcement agency under
 27 this act shall present written documentation of compliance with

1 this section to each county prosecuting attorney and sheriff, or
 2 chief of police when applicable, before approval is granted under
 3 section 4. A copy of this documentation shall be filed with the
 4 **MICHIGAN** commission on law enforcement standards along with written
 5 approval from all affected prosecuting attorneys, sheriffs, or
 6 chiefs of police.

7 (3) The public body shall maintain compliance with the
 8 requirements of this section. Failure to maintain these minimum
 9 standards shall constitute just cause for the county prosecuting
 10 attorneys and sheriffs or chiefs of police, by unanimous written
 11 approval, to withdraw the approval granted under section 4. Before
 12 withdrawal of that approval, the prosecuting attorney and sheriff
 13 or chief of police shall hold not fewer than 2 public hearings in
 14 the law enforcement agency's jurisdiction on the question of
 15 whether maintenance of minimum standards has failed.

16 Sec. 7. (1) A public body that creates a law enforcement
 17 agency under this act shall comply with the ~~requirements of section~~
 18 ~~9d of the~~ **REQUIREMENT TO MAINTAIN EMPLOYMENT HISTORY RECORDS FOR**
 19 **OFFICERS IN ITS EMPLOY UNDER THE MICHIGAN** commission on law
 20 enforcement standards act, 1965 PA 203, MCL ~~28.609d-28.601~~ **TO**
 21 **28.615.**

22 (2) Law enforcement officers to whom the powers, **IMMUNITIES,**
 23 and authority of peace and police officers are granted under
 24 section 3 shall meet the minimum employment standards of the
 25 **MICHIGAN** commission on law enforcement standards act, 1965 PA 203,
 26 MCL 28.601 to ~~28.616~~ **28.615.**

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No. 92 or House Bill No. _____ (request no.
4 00913'15 *) of the 98th Legislature is enacted into law.