

# HOUSE BILL No. 5494

March 22, 2016, Introduced by Reps. Guerra, Kesto and Tedder and referred to the Committee on Judiciary.

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:

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  
10 laws of this state and other state laws, local ordinances, and

ordinances and regulations of the public body. If the law enforcement officers of that agency are granted any additional authority through deputation by a county sheriff or chief of police, the written policies shall describe that authority.

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

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

(iv) Employee discipline.

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

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

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

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

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

(2) A public body that creates a law enforcement agency under this act shall present written documentation of compliance with this section to each county prosecuting attorney and sheriff, or

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

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

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

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

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill. No. 92 of the 98th Legislature is enacted into  
2 law.