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Senate Bill 321 (as passed by the Senate)  
Sponsor: Senator Kimberly LaSata  
Committee: Judiciary and Public Safety

Date Completed: 9-1-20

### **RATIONALE**

The Michigan Law Enforcement Officers Memorial Monument honors Michigan law enforcement officers who died in the line of duty, and recognizes "their courage, dedication, and unwavering commitment to preserving our safety and, ultimately, our way of life", according to the Michigan Law Enforcement Officers Memorial website. Evidently, the standards for inclusion on the Michigan Memorial are stricter than that those for inclusion on the National Law Enforcement Officers Memorial. Some people believe that this prevents deserving individuals from being recognized in Michigan. It has been suggested that the standards for inclusion on the Michigan Memorial be revised to align with the standards for inclusion on the National Memorial.

### **CONTENT**

**The bill would amend the Michigan Law Enforcement Officers Memorial Act to revise the criteria for inclusion on the Michigan Law Enforcement Officers Memorial Monument.**

The Act requires the Michigan Law Enforcement Officers Memorial Monument Fund Commission to oversee the financing, design, and construction of a memorial monument dedicated to law enforcement officers from Michigan who died in the line of duty. The name of each law enforcement officer who died in the line of duty must be inscribed on the Monument. "Law enforcement officer" means that term as defined in the Michigan Commission on Law Enforcement Standards Act.

The bill also would require the name of each reserve law enforcement officer from Michigan who died in the line of duty and each individual from Michigan who qualified as an officer who died in the line of duty for purposes of inclusion on the National Law Enforcement Officers Memorial to be inscribed on the Monument. (The National Law Enforcement Officers Memorial Fund prescribes the criteria for inclusion on the Memorial.)

MCL 28.785

### **BACKGROUND**

#### **Michigan Law Enforcement Officers Memorial Monument**

In 2004, Governor Granholm signed the Michigan Law Enforcement Officers Memorial Act into law, creating the Michigan Law Enforcement Memorial Fund and the Michigan Law Enforcement Officers Memorial Monument Fund Commission. The Act required the Commission to solicit designs for the Michigan Law Enforcement Memorial Monument and select a final design. The winning design, the "Sentinel", was submitted by David Milling of Ann Arbor, and was later modified in 2017.

In 2006, Governor Granholm dedicated the site for the Memorial, which is located within the Veterans Memorial Park in downtown Lansing. In 2018, the State broke ground for the Memorial and, later that year, Governor Snyder signed a supplemental appropriation for a \$1.18 million grant to build it, which reportedly pushed fundraising efforts past the goal needed for construction. On July 27, 2019, a dedication ceremony and memorial service was held to unveil the monument.

### National Law Enforcement Officers Memorial

According to the National Law Enforcement Officer Memorial Fund, before National Police Week each year, the names of officers who were killed in the line of duty the previous year, as well as others who were killed in previous years but recently discovered, are engraved on the National Law Enforcement Officers Memorial.

For the purpose of inclusion on the National Memorial, "killed in the line of duty" means a law enforcement officer has died as a direct and proximate result of a personal injury sustained in the line of duty. "Law enforcement officer" means an individual involved in crime control or reduction and who is directly employed on a full-time basis by a local, county, state, or Federal law enforcement agency of the United States or its territories, with or without compensation, who is duly sworn and has full arrest powers. "Line of duty" means any action which an officer is obligated or authorized by law, rule, regulation, or written condition of employment service to perform, or for which the officer is compensated by the public agency he or she serves, including actions taken against an officer.

Officers serving with railroads or private or state colleges and universities are included provided they are recognized as having law enforcement status by state or US or District of Columbia Code, and are duly sworn, trained, and certified, with full arrest powers. Military police officers are included if, at the time of their death, they were experiencing similar hazards and performing similar duties as those normally experienced and performed by nonmilitary law enforcement personnel. In those cases, eligibility is determined after a review of several issues. Correctional employees are included if they are recognized as having law enforcement status by their employing jurisdiction. Correctional employees who do not have formal law enforcement status but who do have a primary or limited responsibility for the custody and security of suspected or convicted criminal offenders, and are employed by a local, county, state, or Federal correctional agency, also are considered.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

In July 2016, Security Supervisor Joseph P. Zangaro and court officer Ronald Kienzle were shot and killed by an inmate inside the Berrien County Courthouse. The names of both men are included on the National Law Enforcement Officers Memorial; however, they are not included on the Michigan Law Enforcement Officers Memorial Monument because neither of the men meet the inclusion standards prescribed under the Michigan Law Enforcement Officers Memorial Act. Although both performed law enforcement duties, neither were certified by the Michigan Commission on Law Enforcement Standards (MCOLES); therefore, neither of them met the definition of "law enforcement officer" for purposes of the Michigan Law Enforcement Officers Memorial Act.

The names of several other individuals who served in law enforcement capacities and who died in the line of duty have not been included on the Michigan Memorial because they also did not meet the definition of "law enforcement officer" at their time of death. These individuals have not received the commemoration they deserve simply because they weren't MCOLES-certified when they were killed in the line of duty.

The bill would revise the standards for inclusion on the Michigan Law Enforcement Officers Memorial Monument to align them with the standards for inclusion on the National Law Enforcement Officers Memorial to ensure that deserving individuals, such as court officers and corrections officers, who were killed in the line of duty are included on the Michigan Memorial.

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.