

MICHIGAN MILITARY ACT (EXCERPT)
Act 150 of 1967

CHAPTER 2
POWERS AND DUTIES OF THE GOVERNOR

32.551 Governor as commander-in-chief of Michigan National Guard; order to active state service; order by adjutant general; conditions; order by governor under other circumstances.

Sec. 151. (1) The governor is the commander-in-chief of the Michigan National Guard. He or she may order to active state service any members of the Michigan National Guard in case of riot, tumult, breach of the peace, or resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe, or other public emergency within this state or to respond to acts or threats of terrorism or to safeguard military or other vital resources of this state or of the United States. If the governor and his or her legal successor are absent or disabled or cannot be communicated with, the adjutant general, if he or she believes the danger great and imminent, may order out, in the name of the governor, such troops of the Michigan National Guard as he or she believes necessary to meet the emergency.

(2) In circumstances other than those described in subsection (1), the governor may order any member of the Michigan National Guard to active state service for duties in support of the full-time operation of the Michigan National Guard. However, a member of the Michigan National Guard who is called to active service under this subsection does not have any police powers or arrest authority.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013;—Am. 2016, Act 311, Eff. Jan. 4, 2017.

32.555 Unorganized militia; power of the governor.

Sec. 155. The governor may order into the defense force any members of the unorganized militia in case of riot, tumult, breach of the peace, resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe or other public emergency within this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.559 Mutual military assistance agreement with other states or reciprocal agreements for emergency assistance to other states.

Sec. 159. (1) The governor may enter into an agreement with the governors of 1 or more other states authorizing the military forces of this state, in time of invasion, rebellion, public disaster, or catastrophe, or to assist a state or local law enforcement agency, at the request of that state or local law enforcement agency, in enforcing a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance as defined in this act or a similar law of the other state, or as necessary to comply with reciprocal agreements for emergency assistance to other states under the interstate emergency management assistance compact, 2001 PA 248, MCL 3.1001 to 3.1004, or with other similar agreements, to be employed within the area of the other states for mutual assistance in the public interest.

(2) A member of the national guard from another state performing support duty to a federal, state, or local law enforcement agency in this state has the same immunity from liability and prosecution as does a member of the Michigan national guard in performing support duty to a federal, state, or local law enforcement agency.

(3) The Michigan national guard is a law enforcement agency under this act for the purpose of receiving or using property or money forfeited under section 981(e)(2) of title 18 of the United States Code, 18 USC 981, section 616 of part V of title IV of the tariff act of 1930, 19 USC 1616a, and section 511(e)(1)(A) of part E of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, 21 USC 881.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1998, Act 212, Imd. Eff. July 1, 1998;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.563 State military forces; pursuit of insurrectionist, saboteur, or enemy into another state; captives, surrender and extradition.

Sec. 163. If the United States is at war or if any other emergency is declared by the president or the congress of the United States or by the governor or legislature, any organization, unit or detachment of the military forces of this state, by direction of the governor and upon order of the officer in immediate command

thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state, until they are apprehended or captured by such organization, unit or detachment, or until the military or police forces of such other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, if the other state has given authority by law for such pursuit by the forces of this state. Except as otherwise provided by law, a person who is apprehended or captured in another state by forces of this state shall be surrendered without unnecessary delay to the military or police forces of the state in which he is taken or to the United States. The surrender does not constitute a waiver by this state of its right to extradite or prosecute the person for a crime committed in this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.567 Military forces of another state; pursuit of insurrectionist, saboteur, or enemy into this state; surrender of captives; construction of section.

Sec. 167. A military force of another state which is in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state, until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued. The pursuing forces may arrest or capture such persons within this state while in fresh pursuit. Any person who is captured or arrested by the military forces of another state, while in this state, shall be surrendered without unnecessary delay to the military or police forces of this state to be dealt with according to law. This section shall not be construed to make unlawful an arrest in this state otherwise lawful, nor to repeal or prevent the application of any provision of law on the fresh pursuit of criminals.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.571 Reorganization of military establishment; transfer of personnel.

Sec. 171. The governor may direct the adjutant general to organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment. The transfer of personnel to and within units shall be carried out by order of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.575 Declaration of martial law.

Sec. 175. When any part of the organized militia is employed pursuant to section 151, the governor, if in his judgment maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving or any specified portion thereof, to be under martial law or martial rule.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.579 Command of state military personnel; militia on active service; duties, liabilities, and immunities; defense of civil action or criminal prosecution.

Sec. 179. (1) No civilian person, except the governor, may command personnel of the state military establishment.

(2) If any portion of the organized militia is called into active service, special duty, active state service, or the service of the United States to execute the laws, engage in emergency or disaster relief or other support operations pursuant to the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or suppress or prevent actual or threatened riot or insurrection, repel invasion, respond to acts or threats of terrorism, safeguard military or other vital resources of this state or of the United States, or to assist in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance, a commanding officer shall use his or her own judgment in apprehending or dispersing a sniper, a rioter, a mob, or an unlawful assembly. In situations described in this subsection, the commanding officer may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the commanding officer has reasonable cause to believe the person has committed a felony or a misdemeanor punishable by imprisonment for more than 92 days on that state military base, armory base, air base, or a vital resource of this state or of the United States. In situations described in this subsection, the commanding officer or an individual under his or her command may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the person commits a crime in the presence of the commanding officer or an individual under his or her command on that state military base, armory base, air base, or a vital resource of this state or of the United States. That commanding officer shall determine the amount and kind of force to be used in preserving the peace and carrying out the orders of the governor. Except as provided in subsection (3), that commanding officer's honest and reasonable judgment

under the circumstances then existing, in the exercise of his or her duty, is full protection, civilly and criminally, for an act done in the line of duty, and a member of the organized militia in active service, special duty, active state service, or the service of the United States is not liable civilly or criminally for an act committed by him or her in the performance of his or her duty.

(3) A member of the organized militia in active service, special duty, active state service, or the service of the United States has the immunity of a peace officer in this state if 1 or more of the following apply:

(a) The member is acting in aid of civil authorities and acting in the line of duty.

(b) The member is assisting in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance and acting in the line of duty.

(c) The member has been ordered by the governor to respond to acts or threats of terrorism or to safeguard military or other vital resources of this state or of the United States and is acting in the line of duty.

(4) The attorney general of this state shall defend a civil action or criminal prosecution brought in a state or federal court, against a member of the organized militia or his or her estate, arising from an act or omission alleged to have been committed while in active service, special duty, active state service, or the service of the United States.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1968, Act 241, Imd. Eff. June 26, 1968;—Am. 1998, Act 212, Imd. Eff. July 1, 1998;—Am. 2002, Act 133, Eff. May 1, 2002;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.581 Officers and warrant officers; appointment, promotion.

Sec. 181. The authority to appoint and promote officers and warrant officers of the organized militia is vested in the governor.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.582 Governor; awards for services rendered to military establishment; adjutant general; "Michigan Vietnam veteran recognition certificate".

Sec. 182. (1) The governor as commander-in-chief may prescribe the award of medals and other suitable means of public recognition for distinguished service, longevity, acts of valor, or meritorious achievement. The awards may be made to members of the organized militia of this state or to other individuals, who are not members of the organized militia, who have rendered appropriate service to the military establishment. The adjutant general shall develop and publish rules to carry out this subsection.

(2) The adjutant general is authorized to award the "Michigan Vietnam veteran recognition certificate". The adjutant general, in consultation with the director of the Michigan veterans affairs agency, shall develop and publish rules to carry out this subsection. All of the following apply to the certificate:

(a) An individual may be awarded the certificate if the individual meets all of the following requirements:

(i) The individual is a citizen of this state or was a citizen of this state while serving in the Armed Forces of the United States.

(ii) The individual was honorably discharged or released under honorable circumstances.

(iii) The individual served during the Vietnam War era.

(b) The certificate created under this subsection also includes the option of a special designation, as developed by the department of military and veterans affairs, recognizing individuals who were exposed to dioxin or phenoxy herbicides during their service. To receive this designation, an individual must demonstrate in a form and manner prescribed by the department of military and veterans affairs that while serving in the Armed Forces of the United States, he or she was exposed to dioxin or phenoxy herbicides, as evidenced by a medical diagnosis of a disease associated with dioxin or phenoxy herbicides and any other proof required by the adjutant general.

(c) An individual shall not be awarded more than 1 certificate.

(d) If the certificate recipient is deceased, the certificate may be presented to a designated representative of the deceased.

(3) As used in this section:

(a) "Armed Forces of the United States" means the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the Michigan National Guard and reserve components.

(b) "Certificate" means the Michigan Vietnam veteran recognition certificate.

(c) "Vietnam War era" means the period beginning on February 28, 1961 and ending on May 7, 1975.

History: Add. 1970, Act 164, Imd. Eff. Aug. 2, 1970;—Am. 2022, Act 181, Eff. Mar. 29, 2023.