

# HOUSE BILL No. 6404

September 5, 2006, Introduced by Reps. Moore, Schuitmaker, Casperson, Baxter, Emmons, Shaffer, Elsenheimer and Farhat and referred to the Committee on Judiciary.

A bill to amend 1935 PA 59, entitled

"An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,"

by amending section 6 (MCL 28.6), as amended by 2000 PA 83.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. (1) The commissioner and each officer of the  
2 department are vested with the powers of a conservator of the  
3 peace. They may also apply to any judicial officer of the state for  
4 the issuance of search warrants, warrants of arrest or any other

1 criminal process, or orders necessary when the institution of  
2 criminal proceedings for the discovery or punishment of a felony or  
3 a misdemeanor of any degree is ordered in writing by the attorney  
4 general in any case where the proper prosecuting attorney fails or  
5 refuses to act or give his or her approval. The commissioner and  
6 each officer of the department have all the immunities and matters  
7 of defense available to conservators of the peace or sheriffs, or  
8 both, in any action brought against them ~~by virtue~~ **BECAUSE** of  
9 acts done in the course of their employment.

10 (2) Any member of the department may serve and execute all  
11 criminal and civil process, when directed to do so by the governor  
12 or the attorney general, in actions and matters in which the state  
13 is a party. The commissioner and the department are under the  
14 immediate control and direction of the governor, and any member of  
15 the department may be employed by the attorney general in any  
16 investigation or matter under the jurisdiction of his or her  
17 department.

18 (3) The commissioner may, upon the order of the governor, call  
19 upon any sheriff or other police officer of any county, city,  
20 township, or village, within the limits of their respective  
21 jurisdictions, for aid and assistance in the performance of any  
22 duty imposed by this act. Upon being notified or called upon for  
23 aid and assistance, the officer concerned shall comply with the  
24 order to the extent requested. Refusal or neglect to comply with  
25 the order is misfeasance in office, and shall subject the officer  
26 refusing or neglecting to comply with the order to removal from  
27 office.

1           (4) The commissioner shall formulate and put into effect plans  
2 and means of cooperating with the local police and peace officers  
3 throughout the state for the purpose of the prevention and  
4 discovery of crimes and the apprehension of criminals. Local police  
5 and peace officers shall cooperate with the commissioner in those  
6 plans and means. Every telegraph and telephone company operating  
7 within this state shall grant priority of service to the police  
8 agencies and to the state police when notified that the service is  
9 urgent and in the interests of the public safety.

10           (5) The commissioner and all officers of the department have  
11 all the powers of deputy sheriffs in the execution of the criminal  
12 laws of the state and of all laws for the discovery and prevention  
13 of crime, and have authority to make arrests without warrants for  
14 all violations of the law committed in their presence, including  
15 laws designed for the protection of the public in the use of the  
16 highways of the state, and to serve and execute all criminal  
17 process. The commissioner and all officers of the department also  
18 have the authority to exercise the powers of deputy sheriffs in the  
19 execution of civil bench warrants issued by a circuit court  
20 pursuant to any domestic relations matter and to serve a personal  
21 protection order or arrest an individual who is violating or has  
22 violated a personal protection order issued under section 2950, ~~or~~  
23 2950a, **OR 2976** of the revised judicature act of 1961, 1961 PA 236,  
24 MCL 600.2950, ~~and~~ 600.2950a, **AND 600.2976**. The commissioner and  
25 all officers of the department shall cooperate with other state  
26 authorities and local authorities in detecting crime, apprehending  
27 criminals, and preserving law and order throughout the state.

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 6403(request no.  
3 06887'06) of the 93rd Legislature is enacted into law.