

HOUSE BILL No. 4026

February 1, 1989, Introduced by Rep. Ciaramitaro and referred to the Committee on Judiciary.

A bill to amend section 6 of Act No. 59 of the Public Acts of 1935, entitled as amended

"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,"

being section 28.6 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 59 of the Public Acts of
2 1935, being section 28.6 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 6. (1) The commissioner and each officer of the
2 department are ~~hereby individually~~ vested with the powers of a
3 conservator of the peace. They may also apply to any judicial
4 officer of the state for the issuance of search warrants, war-
5 rants of arrest or any other criminal process, or orders neces-
6 sary where the institution of criminal proceedings for the dis-
7 covery or punishment of a felony or a misdemeanor of any degree
8 is ordered in writing by the attorney general ~~of the state of~~
9 ~~Michigan~~ in any case where the proper prosecuting attorney
10 ~~shall fail or refuse~~ FAILS OR REFUSES to act or give his OR HER
11 approval. ~~thereto.~~ The ~~said~~ commissioner and each officer of
12 ~~said~~ THE department are ~~hereby~~ granted all the immunities and
13 matters of defense available or hereafter made available to con-
14 servators of the peace ~~and/~~ or sheriffs, OR BOTH, in any ~~suit~~
15 ACTION brought against them by virtue of acts done in the course
16 of their employment.

17 (2) Any ~~such~~ member of the ~~said~~ department may serve and
18 execute all criminal and civil process, when directed to do so by
19 the governor or the attorney general, in actions and matters in
20 which the state is a party. The commissioner and ~~said~~ THE
21 department shall be under the immediate control and direction of
22 the governor, and any member ~~thereof~~ OF THE DEPARTMENT may be
23 employed by the attorney general in any investigation or matter
24 under the jurisdiction of his OR HER department.

25 (3) The commissioner ~~shall have authority~~ MAY, upon the
26 order of the governor, ~~to~~ call upon any sheriff or other police
27 officer of any county, city, township, or village, within the

1 limits of their respective jurisdictions, for aid and assistance
2 in the performance of any duty imposed by this act. ~~and, upon~~
3 UPON being notified or called upon for ~~such~~ aid and assistance,
4 ~~it shall be the duty of~~ the officer concerned ~~to~~ SHALL comply
5 with ~~such~~ THE order to the extent requested. Refusal or
6 neglect to comply ~~therewith shall be deemed~~ WITH THE ORDER IS
7 misfeasance in office, and shall subject the officer ~~so~~ refus-
8 ing or neglecting TO COMPLY WITH THE ORDER to removal from
9 office.

10 (4) The ~~said~~ commissioner shall formulate and put into
11 effect plans and means of cooperating with the local police and
12 peace officers throughout the state for the purpose of the pre-
13 vention and discovery of crimes and the apprehension of
14 criminals. ~~, and it shall be the duty of all such local~~ LOCAL
15 police and peace officers ~~to~~ SHALL cooperate with ~~such~~ THE
16 commissioner in ~~such~~ THOSE plans and means. Every telegraph
17 and telephone company operating within this state shall grant
18 priority of service to the police agencies and to the ~~Michigan~~
19 state police when notified that ~~such~~ THE service is urgent and
20 in the interests of the public safety.

21 (5) The commissioner and all officers of ~~said~~ THE depart-
22 ment shall have and exercise all the powers of deputy sheriffs in
23 the execution of the criminal laws of the state and of all laws
24 for the discovery and prevention of crime, and shall have author-
25 ity to make arrests without warrants for all violations of the
26 law committed in their presence, including laws designed for the
27 protection of the public in the use of the highways of the state,

1 and to serve and execute all criminal process. ~~It shall be~~
2 ~~their duty to~~ THE COMMISSIONER AND ALL OFFICERS OF THE DEPART-
3 MENT ALSO SHALL HAVE THE AUTHORITY TO EXERCISE THE POWERS OF
4 DEPUTY SHERIFFS IN THE EXECUTION OF CIVIL BENCH WARRANTS ISSUED
5 BY A CIRCUIT COURT PURSUANT TO ANY DOMESTIC RELATIONS MATTER.
6 THE COMMISSIONER AND ALL OFFICERS OF THE DEPARTMENT SHALL cooper-
7 ate with other state authorities and local authorities in ~~the~~
8 detecting ~~of~~ crime, apprehending ~~of~~ criminals, and preserving
9 law and order throughout the state.