

HOUSE BILL No. 5100

September 27, 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,"

as amended by Act No. 10 of the Public Acts of 1989, 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, as amended by Act No. 10 of the Public Acts of 1989, being

1 section 28.6 of the Michigan Compiled Laws, is amended to read as
2 follows:

3 Sec. 6. (1) The commissioner and each officer of the depart-
4 ment are vested with the powers of a conservator of the peace.
5 They may also apply to any judicial officer of the state for the
6 issuance of search warrants, warrants of arrest, or any other
7 criminal process, or orders necessary where the institution of
8 criminal proceedings for the discovery or punishment of a felony
9 or a misdemeanor of any degree is ordered in writing by the
10 attorney general. ~~in any case where the proper prosecuting~~
11 ~~attorney fails or refuses to act or give his or her approval.~~
12 The commissioner and each officer of the department are granted
13 all the immunities and matters of defense available or hereafter
14 made available to conservators of the peace or sheriffs, or both,
15 in any action brought against them by virtue of acts done in the
16 course of their employment.

17 (2) Any member of the department may serve and execute all
18 criminal and civil process, when directed to do so by the gover-
19 nor or the attorney general, in actions and matters in which the
20 state is a party. The commissioner and the department shall be
21 under the immediate control and direction of the governor, and
22 any member of the department may be employed by the attorney gen-
23 eral in any investigation or matter under the jurisdiction of his
24 or her department.

25 (3) The commissioner may, upon the order of the governor,
26 call upon any sheriff or other police officer of any county,
27 city, township, or village, within the limits of ~~their~~

1 ~~respective jurisdictions~~ THE OFFICER'S JURISDICTION, for aid and
2 assistance in the performance of any duty imposed by this act.
3 Upon being notified or called upon for aid and assistance, the
4 officer concerned shall comply with the order to the extent
5 requested. Refusal or neglect to comply with the order is mis-
6 feasance in office, and shall subject the officer refusing or
7 neglecting to comply with the order to removal from office.

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

17 (5) The commissioner and all officers of the department
18 shall have and exercise all the powers of deputy sheriffs in the
19 execution of the criminal laws of the state and of all laws for
20 the discovery and prevention of crime, and shall have authority
21 to make arrests without warrants for all violations of the law
22 committed in their presence, including laws designed for the pro-
23 tection of the public in the use of the highways of the state,
24 and to serve and execute all criminal process. The commissioner
25 and all officers of the department also shall have the authority
26 to exercise the powers of deputy sheriffs in the execution of
27 civil bench warrants issued by a circuit court pursuant to any

1 domestic relations matter. The commissioner and all officers of
2 the department shall cooperate with other state authorities and
3 local authorities in detecting crime, apprehending criminals, and
4 preserving law and order throughout the state.