



SENATE BILL No. 456

April 19, 1995, Introduced by Senators CISKY, HOFFMAN and MC MANUS and referred to the Committee on Judiciary.

A bill to amend section 15d of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as added by Act No. 256 of the Public Acts of 1987, being section 764.15d of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15d of chapter IV of Act No. 175 of the
2 Public Acts of 1927, as added by Act No. 256 of the Public Acts
3 of 1987, being section 764.15d of the Michigan Compiled Laws, is
4 amended to read as follows:

CHAPTER IV

6 Sec. 15d. ~~A federal law enforcement officer may arrest a
7 person in either of the following situations:~~

8 ~~(a) The officer possesses a warrant for the arrest of the
9 person for the commission of a felony.~~

1 ~~(b) The officer has received positive information from an~~
2 ~~authoritative source, in writing or by telegraph, telephone,~~
3 ~~teletype, radio, computer, or other means, that another federal~~
4 ~~law enforcement officer or a peace officer possesses a warrant~~
5 ~~for the arrest of the person for the commission of a felony.~~

6 (1) A FEDERAL LAW ENFORCEMENT OFFICER MAY ENFORCE STATE LAW
7 ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

8 (A) THE OFFICER IS AUTHORIZED UNDER FEDERAL LAW TO ARREST A
9 PERSON, WITH OR WITHOUT A WARRANT, FOR A VIOLATION OF A FEDERAL
10 STATUTE.

11 (B) THE OFFICER IS AUTHORIZED BY FEDERAL LAW TO CARRY A
12 FIREARM IN THE PERFORMANCE OF HIS OR HER DUTIES.

13 (C) THE OFFICER'S ENFORCEMENT OF STATE LAW IS LIMITED TO 1
14 OR MORE OF THE FOLLOWING:

15 (i) PARTICIPATING IN A JOINT INVESTIGATION CONDUCTED BY A
16 FEDERAL AGENCY AND A STATE OR LOCAL LAW ENFORCEMENT AGENCY.

17 (ii) ACTING PURSUANT TO THE REQUEST OF A LOCAL OR STATE
18 POLICE OFFICER.

19 (iii) RESPONDING TO AN EMERGENCY.

20 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), A FED-
21 ERAL LAW ENFORCEMENT OFFICER WHO MEETS THE REQUIREMENTS OF SUB-
22 SECTION (1) HAS THE PRIVILEGES AND IMMUNITIES OF A PEACE OFFICER
23 OF THIS STATE. ABSENT AN EMERGENCY, A FEDERAL LAW ENFORCEMENT
24 OFFICER WHO ENGAGES IN LAW ENFORCEMENT OR AN INVESTIGATION PURSU-
25 ANT TO THIS SECTION SHALL PROVIDE NOTICE OF THE LAW ENFORCEMENT
26 OR INVESTIGATIVE ACTION HE OR SHE IS UNDERTAKING TO EACH OF THE
27 FOLLOWING, AS APPLICABLE:

1 (A) IF THE ACTION OCCURS WITHIN A LOCAL UNIT OF GOVERNMENT,
2 THE CHIEF OF POLICE OR SHERIFF OF THAT LOCAL UNIT OF GOVERNMENT,
3 OR HIS OR HER DESIGNEE.

4 (B) IF THE ACTION OCCURS ON PROPERTY UNDER THE CONTROL OF A
5 STATE AGENCY OR DEPARTMENT, THE DIRECTOR OR CHIEF OFFICER OF THAT
6 AGENCY OR DEPARTMENT, OR THAT PERSON'S DESIGNEE.

7 (3) A FEDERAL LAW ENFORCEMENT OFFICER REQUIRED TO PROVIDE
8 THE NOTICE DESCRIBED IN SUBSECTION (2) SHALL PROVIDE THAT NOTICE
9 WITHIN A REASONABLE TIME BEFORE UNDERTAKING THE ACTION DESCRIBED
10 IN SUBSECTION (2).

11 (4) THIS SECTION DOES NOT IMPOSE LIABILITY UPON OR REQUIRE
12 INDEMNIFICATION BY THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR AN
13 ACT PERFORMED BY A FEDERAL LAW ENFORCEMENT OFFICER UNDER THIS
14 SECTION.

15 (5) AS USED IN THIS SECTION:

16 (A) "EMERGENCY" MEANS A SUDDEN OR UNEXPECTED CIRCUMSTANCE
17 THAT REQUIRES IMMEDIATE ACTION TO PROTECT THE HEALTH, SAFETY,
18 WELFARE, OR PROPERTY OF AN INDIVIDUAL FROM ACTUAL OR THREATENED
19 HARM OR FROM AN UNLAWFUL ACT.

20 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VIL-
21 LAGE, OR TOWNSHIP.