

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4860 (as passed by the House)
Sponsor: Representative Jim McBryde
House Committee: Judiciary
Senate Committee: Government Operations

Date Completed: 5-27-98

CONTENT

The bill would amend the Michigan Military Act to allow for the deployment of the Michigan National Guard, at the request of local authorities as ordered by the Governor, to provide support in the enforcement of laws that prohibit the importation, sale, delivery, possession, or use of a controlled substance.

Currently, under the Act, the Governor may enter into agreements with the governors of other states under which the military forces of Michigan may be sent to other states for mutual assistance during times of invasion, rebellion, public disaster, or catastrophe. The bill also would allow such agreements to be made in order to assist state or local law enforcement agencies upon their request with the enforcement of laws that prohibit the importation, sale, delivery, possession, or use of a controlled substance (as defined in the Public Health Code or a similar law of another state).

The Act specifies that a person in active State service or in the service of the United States has the same immunity as a peace officer when acting in aid of civil authorities and in the line of duty. The bill would extend that immunity to a person assisting in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance. Further, the Act currently provides that a person in active service is not civilly or criminally liable for an act done in the performance of his or her duty. The bill provides that when performing support duty to a Federal, State, or local law enforcement agency, a member of the National Guard from another state would have the same immunity from liability and prosecution as a member of the Michigan National Guard.

The bill would designate the National Guard as a law enforcement agency for the purpose of receiving or using property or money forfeited under certain Federal laws, as specified in the bill.

MCL 32.505 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would allow the Michigan National Guard possibly to capture additional Federal drug forfeiture funds, depending on the level of counter-narcotic activities the Michigan Guard engaged in and the amount of funds forfeited from such activities.

Fiscal Analyst: B. Baker

S9798\S4860SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.