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PROJECT EXILE COMMISSION

House Bill 5744

Sponsor: Rep. Jim Howell

Committee: Constitutional Law and Ethics

Complete to 5-8-00

A SUMMARY OF HOUSE BILL 5744 AS INTRODUCED 5-4-00

The bill would create a new act to create a “project exile coordinating commission” and fund to do all of the following:

- Provide information and training to law enforcement agencies and prosecuting agencies regarding the firearms laws of Michigan and the United States and the penalties for violating them;
- Provide information, training, and technical assistance to law enforcement agencies and prosecuting attorneys to coordinate criminal prosecutions under Michigan and federal firearms laws;
- Provide grants and loans to law enforcement agencies and prosecuting attorneys (1) to implement the above information, training and technical assistance; (2) to hire additional prosecutors, law enforcement agents, or other personnel or to provide equipment or supplies to coordinate criminal prosecutions under Michigan or federal firearms laws; and (3) to increase public awareness of the coordination of those criminal prosecutions.

The project exile coordinating commission. The bill would create a three-member project exile coordinating commission in the Department of State Police. Commission members would include the attorney general or her or his designated representative, the director of the Department of State Police or his or her designated representative, and one individual, appointed by the governor, who would represent the interests of county prosecuting attorneys. The gubernatorial appointee would have to be appointed within 60 days after the bill were enacted, and would serve for two years or until a successor were appointed. The governor could remove his or her appointee for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause, and would appoint a replacement if a vacancy occurred.

The commission would have to meet for the first time within 90 days after the bill took effect, at which time it would elect a chairperson and other officers it considered necessary or appropriate. After the first meeting, the commission would have to meet at least quarterly, or more frequently at the call of the chair or if requested by two or more members. A majority of the members would constitute a quorum for the transaction of business at a commission meeting, and a majority of the members present and serving would be required for official commission action. Commission business would have to be conducted at public meetings in compliance with the Open Meetings Act, and commission writings would be subject to the Freedom of Information Act. Commission members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as commission members.

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The project exile fund. The bill would create a “project exile fund” in the state treasury. The state treasurer would direct the investment of the fund, and credit to the fund interest and earnings from fund investments. Money in the fund at the end of the fiscal year would remain in the fund and not lapse to the general fund. The project exile coordination commission would spend money from the fund only to provide the information, training, technical assistance, and funding to law enforcement agencies and prosecuting attorneys as delineated in the bill’s provisions.

Effective date. If enacted, the bill would take effect on September 1, 2000.

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.