

**SUBSTITUTE FOR
SENATE BILL NO. 320**

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "law enforcement pursuit and response policy act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the commission on law enforcement
5 standards created by section 3 of the commission on law
6 enforcement standards act, 1965 PA 203, MCL 28.603.

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1 (b) "Governmental agency" means that term as defined in
2 section 1 of 1964 PA 170, MCL 691.1401, and includes a
3 combination of 1 or more governmental agencies.

4 (c) "Law enforcement agency" means a police agency of a
5 city, village, or township; a sheriff's department; the depart-
6 ment of state police, including, but not limited to, the motor
7 carrier division of the department of state police; the law
8 enforcement division of the department of natural resources; a
9 police agency of a county or regional park whose officers are
10 appointed pursuant to section 14 of 1965 PA 261, MCL 46.364; or a
11 public safety department of a community college or a 4-year
12 institution of higher education whose officers are granted the
13 powers and authority of peace and police officers under section 1
14 of 1990 PA 120, MCL 390.1511, or section 5a of 1965 PA 278,
15 MCL 390.715a.

16 (d) "Law enforcement pursuit and response" means the opera-
17 tion of a law enforcement vehicle in a manner described in or
18 authorized by section 603 or 632 of the Michigan vehicle code,
19 1949 PA 300, MCL 257.603 and 257.632.

20 (e) "Law enforcement vehicle" means a motor vehicle owned or
21 operated by a law enforcement agency.

22 (f) "Motor vehicle" means that term as defined in section 33
23 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

24 (g) "Panel" means the law enforcement vehicle pursuit and
25 response policy advisory panel created in section 3.

26 Sec. 3. (1) A law enforcement vehicle pursuit and response
27 policy advisory panel is created within the commission.

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1 (2) The advisory panel shall consist of the members of the
2 commission and at a minimum 1 individual as a member and 1 indi-
3 vidual as an alternate member from each of the following groups,
4 appointed by the governor from a list of individuals provided by
5 each of the following groups:

6 (a) Michigan association of counties.

7 (b) Prosecuting attorneys association of Michigan.

8 (c) Michigan municipal league.

9 (d) Michigan townships association.

10 (e) An organization of police officers who regularly perform
11 law enforcement duties upon urban streets or roads.

12 (f) An organization of police officers who regularly perform
13 law enforcement duties upon suburban streets or roads.

14 (g) An organization of police officers who regularly perform
15 law enforcement duties upon rural streets or roads.

16 (h) An organization of police officers who regularly perform
17 law enforcement duties upon limited access highways.

18 (3) In addition to the advisory panel members listed in sub-
19 section (2), the advisory panel shall include at least 1 member
20 of the general public who shall be appointed by the governor in
21 the same manner as members provided for in subsection (2).

22 (4) Each entity that provides a list of individuals under
23 subsection (2) shall specifically state which individuals are
24 being nominated for appointment as a member and which individuals
25 are being nominated for appointment as an alternate member.

26 (5) Except for initial members, a member of the panel
27 appointed under subsection (2) shall serve for a term of 2 years

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1 or until a successor is appointed. Of the members initially
2 appointed under subsection (2), 3 of the members shall be
3 appointed for a term of 4 years, 3 of the members shall be
4 appointed for a term of 3 years, and 2 of the members shall be
5 appointed for a term of 2 years.

6 (6) A vacancy on the panel shall be filled in the same
7 manner as the original appointment.

8 (7) If a member of the panel is absent from a panel meeting,
9 the individual serving as the alternate member for that member
10 shall act as a member of the panel at that meeting.

11 (8) The members of the panel shall be appointed by the gov-
12 ernor within 90 days after the effective date of this act and
13 shall hold their first meeting within 90 days after appointment.

14 Sec. 4. (1) The advisory panel shall hold a regular annual
15 meeting at a place and on a date fixed by the panel. Special
16 meetings may be called by the chairperson or by not less than 7
17 panel members on at least 3 business days' actual notice.

18 (2) A majority of the panel members appointed and serving
19 constitute a quorum. Final action by the panel shall be only by
20 affirmative vote of a majority of the panel members appointed and
21 serving. A panel member shall not vote by proxy.

22 (3) The members of the panel shall serve without
23 compensation. Expenses of members incurred in the performance of
24 official duties shall be reimbursed as provided by law for state
25 employees.

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1 (4) The panel shall assist the commission in performing its
2 duties. The commission shall provide facilities for meetings of
3 the panel and necessary office and clerical assistance.

4 Sec. 6. Within 1 year after the first meeting of the panel,
5 the commission, with the advice of the panel, shall develop a
6 model law enforcement vehicle pursuit and response policy govern-
7 ing emergency operation of law enforcement vehicles by a govern-
8 mental agency. A model law enforcement vehicle pursuit and
9 response policy developed under this section shall do all of the
10 following:

11 (a) Define the model policy's coverage.

12 (b) Recognize that pursuit or response has the potential for
13 risk or harm.

14 (c) Identify the circumstances warranting initiation, main-
15 tenance, or termination of law enforcement pursuit or response,
16 based on the following criteria:

17 (i) The risks to the physical safety of employees and the
18 public, including innocent bystanders, of initiating or maintain-
19 ing law enforcement pursuit or response.

20 (ii) For law enforcement pursuits involving the chase of a
21 person charged with or suspected of a violation of law, the
22 danger to society of not effecting immediate apprehension,
23 including consideration of the seriousness and immediacy of the
24 threat posed by a pursued person and the adequacy of alternative
25 apprehension methods.

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1 (d) Identify procedures for a law enforcement agency's
2 initiation, maintenance, and termination of law enforcement
3 pursuit and response and include all of the following:

4 (i) Authorization for an employee other than an employee
5 actively engaged in the law enforcement pursuit or response to
6 prohibit, modify, or terminate the pursuit or response.

7 (ii) Specific rules governing law enforcement pursuits and
8 responses that cross jurisdictional boundaries.

9 (iii) Specific rules governing permissible law enforcement
10 pursuit and response methods and tactics.

11 (e) Establish guidelines requiring a law enforcement agency
12 to internally monitor the effects of its law enforcement pursuit
13 and response policy.

14 (f) Establish minimum requirements for law enforcement vehi-
15 cle operators and provide guidelines for training employees to
16 comply with an adopted law enforcement vehicle pursuit and
17 response policy.

18 (g) Include any other provision the panel considers neces-
19 sary for a model law enforcement vehicle pursuit and response
20 policy.

21 Sec. 7. The commission shall report the model law enforce-
22 ment vehicle pursuit and response policy developed by the
23 advisory panel under section 6 to all of the following:

24 (a) Each house of the legislature.

25 (b) Each law enforcement agency in this state.

26 Sec. 8. (1) A governmental agency may adopt all or a
27 portion of the model law enforcement vehicle pursuit and response

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1 policy developed under section 6, or may develop and adopt its
2 own law enforcement vehicle pursuit and response policy. If a
3 governmental agency adopts the model policy, it shall notify the
4 commission.

5 (2) If a governmental agency adopts either part of the model
6 policy and part of its own policy or an entire policy of its own,
7 the agency shall send that policy to the commission for review

8 and certification. The commission shall examine each aspect of the
policy that is in variance with the model policy. If the commission
finds that each variation is reasonably justified by unusual
circumstances that exist in a government agency's jurisdiction, and
that the policy as a whole substantially achieves the objectives of
the model policy, the commission may certify the policy. If the
commission finds that any variation is not reasonably justified by
unusual circumstances that exist in a governmental agency's
jurisdiction, or that the policy as a whole does not substantially
achieve the objectives of the model policy, the commission shall not
certify the policy, and shall return the policy to the governmental
agency that developed it with an explanation of the basis for the
commission's decision.

9 (3) If a governmental agency discontinues all or a portion
10 of a law enforcement vehicle pursuit and response policy adopted
11 under this act, the governmental agency shall immediately inform
12 the commission in writing of the date on which the law enforce-
13 ment vehicle pursuit and response policy was discontinued.

14 (4) The commission shall keep a record of what type of
15 policy each governmental agency adopts.

16 Sec. 9. The panel shall meet at least once annually to
17 review the law enforcement vehicle pursuit and response policy
18 developed under section 6.

19 Sec. 10. This act takes effect January 1, 2000.

20 Sec. 11. This act is repealed 5 years after its effective
21 date.

22 Enacting section 1. This act does not take effect unless
23 Senate Bill No. 319 of the 90th Legislature is enacted into law.

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