

House Bill 4065
Sponsor: Rep. Jim Howell
Committee: Criminal Justice

Complete to 3-27-01

A SUMMARY OF HOUSE BILL 4065 AS INTRODUCED 1-31-01

The bill would create a new act to establish a "Project Exile Coordinating Commission" and a "Project Exile Fund" that would provide information, training, technical assistance, grants, and loans to law enforcement agencies and county prosecuting attorneys in order to coordinate criminal prosecutions under Michigan or federal felony firearms laws.

Commission Duties. The bill would require the commission to provide all of the following to law enforcement agencies and prosecuting attorneys:

- Information and training regarding federal and Michigan firearms laws and the penalties for violating these laws;
- Information, training, and technical assistance to coordinate felony criminal prosecutions under federal and Michigan firearms laws;
- Grants and loans (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.

In addition, the bill would require the commission to ensure that the efforts taken to coordinate criminal prosecutions described in the bill weren't made with racially discriminatory intent. In order to do this, the commission would be allowed to consult with, and seek the assistance of, the state Civil Rights Commission.

Commission Membership and Operation. 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 county prosecuting attorney, appointed by the governor. The county prosecuting attorney would have to be appointed within 60 days after the bill was enacted, and would serve for two years or until a successor was appointed, whichever was later. 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.

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 Coordinating 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.

Annual Report. The commission would be required to file an annual report with the Secretary of the Senate and the Clerk of the House that disclosed all of the contributions to and expenditures from the fund and the number of arrests made for felony firearm violations in the state and the disposition of those cases. The information provided on felony firearm violations would be broken down on a geographical basis.

Effective Date. If enacted, the bill would take effect on September 1, 2001.

Analyst: R. Young

■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.