

# HOUSE BILL No. 4065

January 31, 2001, Introduced by Reps. Howell, Tabor, Patterson, Kuipers, Richardville, Newell, Gilbert, Van Woerkom, Bishop, Shackleton, DeRossett, Garcia, Vear and Stewart and referred to the Committee on Criminal Justice.

A bill to create the project exile commission; to prescribe the duties of the members of the commission; to create the project exile fund; and to provide for disbursements from the fund.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. As used in this act:

2       (a) "Commission" means the project exile coordinating com-  
3 mission created in section 2.

4       (b) "Fund" means the project exile fund created in section  
5 3.

6       Sec. 2. (1) The project exile coordinating commission is  
7 created within the department of state police.

8       (2) The commission shall consist of the following members:

9       (a) The attorney general or his or her designated  
10 representative.

1 (b) The director of the department of state police or his or  
2 her designated representative.

3 (c) One individual appointed by the governor who is a county  
4 prosecuting attorney.

5 (3) The member first appointed to the commission under sub-  
6 section (2)(c) shall be appointed within 60 days after the effec-  
7 tive date of this act.

8 (4) The member appointed to the commission under subsection  
9 (2)(c) shall serve for terms of 2 years or until a successor is  
10 appointed, whichever is later.

11 (5) If a vacancy of a member appointed under subsection  
12 (2)(c) occurs, the governor shall make an appointment for the  
13 unexpired term in the same manner as the original appointment.

14 (6) The governor may remove the member of the commission  
15 appointed under subsection (2)(c) for incompetency, dereliction  
16 of duty, malfeasance, misfeasance, or nonfeasance in office, or  
17 any other good cause.

18 (7) The first meeting of the commission shall be held within  
19 90 days after the effective date of this act. At the first meet-  
20 ing, the commission shall elect from among its members a chair-  
21 person and other officers as it considers necessary or  
22 appropriate. After the first meeting, the commission shall meet  
23 at least quarterly, or more frequently at the call of the chair-  
24 person or if requested by 2 or more members.

25 (8) A majority of the members of the commission constitute a  
26 quorum for the transaction of business at a meeting of the

1 commission. A majority of the members present and serving are  
2 required for official action of the commission.

3 (9) The business that the commission may perform shall be  
4 conducted at a public meeting of the commission held in compli-  
5 ance with the open meetings act, 1976 PA 267, MCL 15.261 to  
6 15.275.

7 (10) A writing prepared, owned, used, in the possession of,  
8 or retained by the commission in the performance of an official  
9 function is subject to the freedom of information act, 1976  
10 PA 442, MCL 15.231 to 15.246.

11 (11) Members of the commission shall serve without  
12 compensation. However, members of the commission may be reim-  
13 bursed for their actual and necessary expenses incurred in the  
14 performance of their official duties as members of the  
15 commission.

16 (12) The commission shall do all of the following:

17 (a) Provide information and training to law enforcement  
18 agencies and prosecuting attorneys regarding the firearms laws of  
19 this state and of the United States and the penalties for violat-  
20 ing those respective laws.

21 (b) Provide information, training, and technical assistance  
22 to law enforcement agencies and prosecuting attorneys to coordi-  
23 nate felony criminal prosecutions under the firearms laws of this  
24 state and the United States.

25 (c) To provide funding to law enforcement agencies and pros-  
26 ecuting attorneys in the form of grants and loans for any of the  
27 following purposes:

1 (i) To implement subdivisions (a) and (b).

2 (ii) To hire additional prosecutors, law enforcement agents,  
3 or other personnel or to provide additional equipment or supplies  
4 to coordinate felony criminal prosecutions under the firearms  
5 laws of this state and the United States.

6 (iii) To increase public awareness of the coordination of  
7 those criminal prosecutions.

8 (d) Ensure that the efforts taken to coordinate criminal  
9 prosecutions as described in this act shall not be made with  
10 racially discriminatory intent. To secure this objective, the  
11 commission may consult with and seek the assistance of the state  
12 civil rights commission.

13 Sec. 3. (1) The project exile fund is created within the  
14 state treasury.

15 (2) The state treasurer may receive money or other assets  
16 from any source for deposit into the fund. The state treasurer  
17 shall direct the investment of the fund. The state treasurer  
18 shall credit to the fund interest and earnings from fund  
19 investments.

20 (3) Money in the fund at the close of the fiscal year shall  
21 remain in the fund and shall not lapse to the general fund.

22 (4) The project exile coordination commission shall expend  
23 money from the fund only for purposes of section 2(12).

24 Sec. 4. The commission shall file an annual report with the  
25 secretary of the senate and the clerk of the house of representa-  
26 tives disclosing all of the following:

1 (a) All contributions to the fund.

2 (b) All expenditures from the fund.

3 (c) The number of arrests made for felony firearm violations  
4 in this state and the disposition of those cases. The informa-  
5 tion provided under this subdivision shall be broken down on a  
6 geographical basis.

7 Enacting section 1. This act takes effect September 1,  
8 2001.