

METRO AIRPORT POLICE: EXPAND JURISDICTION FOR ARRESTS

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House Bill 5181 as introduced
Sponsor: Rep. Kurt Heise
Committee: Criminal Justice
Complete to 1-25-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would allow officers of a public airport authority (Detroit Metropolitan Airport) to exercise their authority and powers outside the airport's geographical boundaries under certain circumstances.

The Detroit Metropolitan Airport Police Department provides law enforcement services to both Detroit Metro and Willow Run Airports. Officers receive the same training and certification required of peace officers, and have full arrest powers and authority to enforce state laws. However, their authority is limited to the geographical boundaries of the airport.

Current law allows peace officers of a county, city, village, township, or state university to exercise their authority and powers of a peace officer outside the geographical boundaries of the officer's county, city, village, township, or university under certain circumstances. These circumstances include the following:

- If the officer is enforcing state laws in conjunction with the Michigan State Police.
- If the officer is enforcing state laws in conjunction with a peace officer of any local municipality or university.
- If the officer witnesses the violations of the following within the geographical boundaries of the officer's municipality or university and immediately pursues the individual outside of that geographical boundary: a state law or administrative rule; local ordinance; or a law, rule, or ordinance that was a civil infraction, municipal civil infraction, or state civil infraction.

In addition, under current law, an officer pursuing an individual under the above circumstances may stop and detain the person outside the officer's municipality or university for the purpose of enforcing the law, administrative rule, or ordinance or for the purpose of enforcing any of these before, during, or immediately after the detaining of the individual. This applies also to a vessel on a lake or river. The officer pursuing an individual on any waters of the state may direct the operator of the vessel to bring it to a stop or maneuver it in a manner that allows the officer to come beside the vessel.

House Bill 5181 would amend the Code of Criminal Procedure to apply the above provisions to a peace officer of a public airport authority. Further, the bill would also allow a Metro Airport officer to immediately pursue an individual the officer witnessed committing a violation even though the individual is outside the boundaries of the airport

if the violation is within the airspace above Detroit Metro or Willow Run Airports. This provision would apply to a violation of a state or administrative rule; a local ordinance; or a state law, administrative rule, or local ordinance, if the violation is a civil infraction, municipal civil infraction, or state civil infraction.

"Public airport authority" is defined to mean an authority created under Section 110 of the Aeronautics Code of the State of Michigan that is a political subdivision and instrumentality of the local government that owns the airport and is considered a public agency of the local government for purposes of state and federal law. (Created by Public Act 90 of 2002, the act is understood to apply to Wayne County's Detroit Metropolitan Airport.)

The bill would take effect 90 days after enactment.

MCL 764.2a

FISCAL IMPACT:

This bill would likely have no fiscal impact on the state and potentially provide cost savings for local units of government by decreasing the probability of costly accidents due to criminal activity.

This bill would allow the officers of public airport authorities to pursue individuals who have violated laws that impact an airport while outside of the airport's jurisdiction – such as flying remotely operated aerial vehicles (drones) over airport authority airspace or discharging laser devices toward inbound and outbound aircraft. The ability to enforce these laws and ordinances immediately outside of airport authority jurisdiction without needing to coordinate with the local law enforcement agency within whose boundaries the perpetrator has committed the crime will lower law enforcement response times and increase the risk to perpetrators.

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