

**METRO AIRPORT POLICE:  
EXPAND JURISDICTION FOR ARRESTS**

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**House Bill 5181 as enacted  
Public Act 326 of 2016  
Sponsor: Rep. Kurt Heise  
House Committee: Criminal Justice  
Senate Committee: Judiciary**

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

**Complete to 2-5-18**

**BRIEF SUMMARY:** House Bill 5181 amends the Code of Criminal Procedure to allow officers of a public airport authority (e.g., Detroit Metropolitan Airport or Gerald R. Ford International Airport) to exercise their authority and powers outside the airport's geographical boundaries under certain circumstances.

**FISCAL IMPACT:** The bill would have no state fiscal impact but may provide cost savings to local governments. (See *Fiscal Information*, below, for further discussion.)

**THE APPARENT PROBLEM:**

The Detroit Metropolitan Airport Police Department provides law enforcement services to both Detroit Metro and Willow Run Airports, and law enforcement officers of the Gerald R. Ford International Airport Authority provide law enforcement services to the Grand Rapids airport. These officers receive the same training and certification required of peace officers (including certification under the Michigan Commission on Law Enforcement Standards, or MCOLES), and have full arrest powers and authority to enforce state and local laws, as well as the rules, regulations, and ordinances of the applicable airport authority and the requirements of federal law governing airport security. Officers may issue summonses, make arrests, and initiate criminal proceedings. However, their authority is limited to the geographical boundaries of the airport. This means that the airport authority police officers may not apprehend a person who commits a violation on airport grounds but flees the premises, or commits an off-premises violation that is within the airspace above the airports, such as shining a laser at an aircraft or flying a drone too near an airport. This limitation interferes with the officers' ability to protect the flying public in certain circumstances.

For example, over the past few years, airports across the country have experienced laser strikes from laser pointers on planes while taking off or landing. Most often, the lasers are used off airport property but are directed at planes in protected airspace. Beams from high-powered laser pointers are able to travel thousands of feet and if they hit a cockpit window can fill the cockpit with green light. If the beam hits a pilot's eye or eyes, the pilot can experience a temporary blindness referred to as "flash blindness" or may have blurred vision. Some pilots have experienced minor burns to the eyes. The flash blindness and/or

blurring can last a matter of minutes or hours, and some pilots have needed several days for their vision to return to normal.

Landings and takeoffs are the most critical stages of flight, and pilots need to be their most focused. However, a pilot suffering from flash blindness or blurred vision cannot read the controls or the landing/takeoff checklists used to ensure that proper procedures are followed, or see out the windows to see what is before the aircraft. Obviously, the safety of the passengers and the aircraft are compromised if pilots cannot see at such a crucial stage of flight.

Because the airport police officers are limited to making arrests only on airport property, they lack the authority to apprehend people seen using laser pointers outside the airport fences. The same is true for drones; several plane/drone near-misses have been reported at airports across the country, including at Detroit Metropolitan Airport. If the drone operator is off the grounds of the airport, the airport police officers must instead call for assistance from other police agencies even if the drone crosses into the airport's airspace.

Currently, municipal peace officers and state university police officers may exercise their authority beyond jurisdictional boundaries in certain circumstances; for instance, if the officers witnessed a violation in their jurisdiction and, during pursuit, the suspect entered a different jurisdiction (e.g., crossed city or county lines). Due to the danger that certain actions pose to the safety of aircraft, and to better enforce criminal laws and civil infractions occurring on airport property, it has been suggested that the authority to enforce laws by airport police at Detroit Metro and Willow Run Airports and at regional airports such as the Gerald R. Ford International Airport be extended in a manner to provide parity with other law enforcement agencies and to protect airport airspace.

### ***THE CONTENT OF THE BILL:***

Current law allows the peace officer of a county, city, village, township, or state university to exercise his or her 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 or a peace officer of the local municipality or university that has jurisdiction.
- If the officer witnesses the violation of a state law, administrative rule, or local ordinance, including civil infractions, within the geographical boundaries of the officer's municipality or university and immediately pursues the individual outside of that geographical boundary.

In addition, an officer pursuing an individual as described above may stop and detain the person outside the officer's municipality or university boundaries for the purpose of enforcing the state law, administrative rule, or ordinance or for the purpose of enforcing any other law, rule, or ordinance before, during, or immediately after detaining 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 amends the Code of Criminal Procedure to apply the above provisions to a peace officer of a public airport authority. The bill also allows an officer of an airport authority to immediately pursue an individual the officer witnesses committing a violation even though the individual is outside the boundaries of the airport **if** the violation is within the airspace above the airport authority. This provision applies to a violation of a state law, administrative rule, or local ordinance, including those that are civil infractions.

***Public airport authority*** means an authority created under Section 110, or a regional authority created under Section 139, 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 (MCL 259.110 and 259.139). (Section 110, created by Public Act 90 of 2002, is understood to apply to Wayne County's Detroit Metropolitan Airport and Willow Run Airport. Section 139, created by Public Act 95 of 2015, allows for the creation of a regional authority to develop, operate, and maintain an airport; currently, the Gerald R. Ford International Airport in Kent County is the only airport operating under PA 95.)

House Bill 5181 takes effect February 20, 2017.

MCL 764.2a

***FISCAL INFORMATION:***

House Bill 5181 would likely have no fiscal impact on the state, but may potentially provide cost savings for local units of government by decreasing the probability of costly accidents due to criminal activity.

The 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 or 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.

***ARGUMENTS:***

***For:***

Detroit Metropolitan Airport Police Department officers and officers employed by the Gerald R. Ford International Airport Authority are fully trained, MCOLES-certified police officers who currently exercise the same authority and police powers that state troopers,

city police, county sheriffs and deputies, and state university police department officers exercise. The bill simply allows them to do that more efficiently and effectively and, in so doing, increase the traveling public's safety.

Legislation signed into law in June of 2002 (Public Act 483) expanded the circumstances under which a peace officer may exercise authority and powers (such as arrest powers) outside the officer's own municipality and also included police officers of state university police departments. Officers of the Detroit Metropolitan Airport Police department and at Gerald R. Ford International Airport were not included in that legislation at that time because the legislation creating the Wayne County Airport Authority, which included authorization for the airport police department, had been enacted only a few months earlier than PA 483 and legislation creating regional airport authorities did not become law until 2015. Thus, airport officers remain limited by jurisdictional constraints when enforcing state, federal, and local laws for crimes committed on airport property unless House Bill 5181 is enacted.

According to media reports, dozens of laser strikes on planes at Detroit Metro Airport have been recorded over the past few years by the Federal Aviation Agency (FAA). In addition, there have been incidents of drones coming dangerously near the airport, as well as hit-and-run accidents on airport perimeter fences. The Gerald R. Ford International Airport has reported similar incidents.

Under the bill, if an airport authority police officer witnessed a crime being committed on the grounds of the airport, the officer could pursue the suspect even if the suspect left the airport property. Likewise, the bill enables an officer to arrest someone who was committing a crime off airport property but within the airspace above the airport. Since the officers are on-site, they can respond more quickly to incidents than could officers of a nearby city or county law enforcement agency. With a serious offense like carjacking, a shooting, theft, assault, or kidnapping, or a laser beam lighting up the cockpit of a plane, minutes matter. The bill is therefore likely to increase public safety.

The bill does not authorize the airport police to patrol areas adjacent to the airport, such as nearby interstates, nor does it increase their police powers. It just expands where and under which circumstances they can exercise their current powers.

***Against:***

No arguments in opposition to the bill were offered.

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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.