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BILL ANALYSIS



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House Bill 5181 (as passed by the House)
Sponsor: Representative Kurt Heise
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 8-26-16

CONTENT

The bill would amend the Code of Criminal Procedure to do the following:

- **Include a public airport authority peace officer in provisions that allow peace officers to exercise their authority and power outside the geographical boundaries of their employing entity under certain circumstances.**
- **Allow a peace officer to exercise his or her authority and powers outside the geographical boundaries, if a public airport authority peace officer witnessed a violation that occurred within the airspace above the airport authority but while the person committing the violation was outside the public airport authority.**

The Code authorizes a peace officer of a county, city, village, township, or university to exercise the authority and powers of a peace officer outside the geographical boundaries of the officer's county, city, village, township, or university if the officer is enforcing the laws of this State in conjunction with the Michigan State Police or in conjunction with a peace officer of any other county, city, village, township, or university in which the officer may be.

An officer also may exercise peace officer authority and powers outside the geographical boundaries of his or her municipality or university if the officer has witnessed an individual violate any of the following within the geographical boundaries of the officer's county, city, village, township, or university and immediately pursues that individual outside of those geographical boundaries:

- A State law or administrative rule.
- A local ordinance.
- A State law, administrative rule, or local ordinance, the violation of which is a civil infraction, municipal civil infraction, or State civil infraction.

The bill would include a peace officer of a public airport authority in those provisions.

In addition, the bill would authorize any of the officers described above to exercise his or her authority and powers outside the geographical boundaries of the officer's employing entity if a public airport authority officer witnessed an individual violate a State law, administrative rule, or local ordinance while the individual was outside the geographical boundaries of the public airport authority, but the violation occurred within the airspace above the public airport authority and the officer immediately pursued the individual.

"Public airport authority" would mean an authority created under Section 110 of the Aeronautics Code 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. (Section 110 provides for the creation of an authority for an airport owned by a county, city, township, or village. In the case of "qualified airport" (an airport, other than a military airport, that has 10.0 million or more enplanements in any 12-month period), an authority is created under Section 110. For an airport that is not a qualified airport, the section permits the local government to incorporate an authority.)

The bill would take effect 90 days after its enactment.

MCL 764.2a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.