



# SENATE BILL No. 384

June 9, 2015, Introduced by Senators MACGREGOR, JONES, MARLEAU and PROOS and referred to the Committee on Judiciary.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 43b (MCL 400.43b), as added by 2002 PA 573.

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

1           Sec. 43b. (1) An office of inspector general is established as  
2 a criminal justice agency in the ~~family independence agency.~~

3 **DEPARTMENT.** The primary duty of the inspector general is to  
4 investigate cases of alleged fraud within the department. The  
5 inspector general shall also perform the following activities:

6           (a) Investigate fraud, waste, and abuse in the programs  
7 administered by the ~~family independence agency.~~**DEPARTMENT.**

8           (b) Make referrals for prosecution and disposition of  
9 appropriate cases as determined by the inspector general.

10           (c) Review administrative policies, practices, and procedures.

11           (d) Make recommendations to improve program integrity and

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1 accountability.

2 (2) THE DIRECTOR MAY APPOINT AGENTS WITH LIMITED ARREST POWERS  
3 FOR THE ENFORCEMENT OF <<RETAIL TRAFFICKING OF FOOD ASSISTANCE  
4 BENEFITS ADMINISTERED BY THE DEPARTMENT ACCORDING TO THE FEDERAL  
5 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.>> THE  
6 AGENTS APPOINTED UNDER THIS SECTION ARE AGENTS OF THE DEPARTMENT  
7 OFFICE OF INSPECTOR GENERAL AND HAVE ALL POWERS CONFERRED UPON  
8 PEACE OFFICERS FOR THE PURPOSE OF ENFORCING THE GENERAL LAWS OF  
9 THIS STATE AS THEY PERTAIN TO ENFORCEMENT OF THIS ACT. THE DIRECTOR  
10 MAY AUTHORIZE AGENTS OF THE OFFICE OF INSPECTOR GENERAL TO CARRY A  
11 FIREARM.

12 (3) IN ADDITION TO THE LIMITED ARREST AUTHORITY GRANTED IN  
13 SUBSECTION (2), AN AGENT OF THE OFFICE OF INSPECTOR GENERAL, WHILE  
14 ON DUTY, MAY ARREST A PERSON WITHOUT A WARRANT IF 1 OR MORE OF THE  
15 FOLLOWING CIRCUMSTANCES EXIST:

16 (A) THE AGENT HAS <<PROBABLE>> CAUSE TO BELIEVE THAT A FELONY  
17 HAS BEEN COMMITTED AND <<PROBABLE>> CAUSE TO BELIEVE THAT THE PERSON  
18 COMMITTED IT.

19 (B) THE AGENT HAS <<PROBABLE>> CAUSE TO BELIEVE A FELONY OFFENSE  
20 FOR FINANCIAL GAIN UNDER SECTION 159G(D) OR 159G(E) OF THE MICHIGAN  
21 PENAL CODE, 1931 PA 328, MCL 750.159G, HAS BEEN COMMITTED AND  
22 <<PROBABLE>> CAUSE TO BELIEVE THAT THE PERSON COMMITTED IT.

23 (C) THE AGENT HAS <<PROBABLE>> CAUSE TO BELIEVE THAT A FELONY  
24 OFFENSE UNDER SECTION 300A OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
25 MCL 750.300A, HAS BEEN COMMITTED AND <<PROBABLE>> CAUSE TO BELIEVE  
26 THAT THE PERSON COMMITTED IT.

27 (D) THE AGENT HAS <<PROBABLE>> CAUSE TO BELIEVE THAT A FELONY  
28 OFFENSE USING A FRAUDULENT DEVICE TO OBTAIN RELIEF UNDER SECTION 60

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1 HAS BEEN COMMITTED AND <<PROBABLE>> CAUSE TO BELIEVE THAT THE PERSON  
2 COMMITTED IT.

3 (E) THE AGENT HAS RECEIVED POSITIVE INFORMATION BY WRITTEN,  
4 TELEGRAPHIC, TELETYPIC, TELEPHONIC, RADIO, OR OTHER AUTHORITATIVE  
5 SOURCE THAT A PEACE OFFICER HOLDS A WARRANT FOR THE PERSON'S  
6 ARREST.

7 Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.