

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.