



# HOUSE BILL No. 4667

March 28, 1995, Introduced by Reps. Baade, Gire, Brewer, Hanley, Gubow, Kelly, DeHart, Pitoniak, DeMars, Parks, Baird, Martinez, Willard and Harder and referred to the Committee on Appropriations.

A bill to create a state community policing program; to create a commission; to provide for certain powers and duties of certain departments and officials; and to provide for an appropriation.

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

1       Sec. 1. This act shall be known and may be cited as the  
2 "community policing act".

3       Sec. 2. As used in this act:

4       (a) "Commission" means the commission on community policing  
5 created under section 5.

6       (b) "Department" means the department of state police.

7       (c) "Fiscal year" means the state fiscal year that begins  
8 October 1 and ends September 30.

9       (d) "Grant funds" means the funds awarded to the local  
10 community by the commission pursuant to section 3.

1 (e) "Local community" means a county, city, township, or  
2 village.

3 (f) "Maintenance police force" means the average number of  
4 police officers on the payroll in the local community from  
5 January 1, 1993 through December 31, 1994.

6 (g) "Police officer" means an officer who is certified under  
7 the Michigan law enforcement officers training council act of  
8 1965, Act No. 203 of the Public Acts of 1965, being sections  
9 28.601 to 28.616 of the Michigan Compiled Laws.

10 (h) "Program" means the state community policing program  
11 created under section 3.

12 Sec. 3. The state community policing program is created  
13 within the department of state police. The program shall provide  
14 local communities with matching funds to employ police officers  
15 to patrol the streets. The state shall provide \$80.00 of match-  
16 ing funds to every \$20.00 provided by the local community that  
17 qualifies for funds under the program.

18 Sec. 4. The department shall promulgate rules pursuant to  
19 the administrative procedures act of 1969, Act No. 306 of the  
20 Public Acts of 1969, being sections 24.201 to 24.328 of the  
21 Michigan Compiled Laws, for the implementation of the program  
22 including, but not limited to, rules governing the application  
23 process, the maximum amount of each grant, and eligibility  
24 requirements. The rules shall be submitted for public hearing  
25 within 90 days after the effective date of this act. The depart-  
26 ment shall create an application form to be used by local  
27 communities seeking funds under this act.

1       Sec. 5. (1) The commission on community policing is created  
2 within the department of state police. The commission shall con-  
3 sist of 5 members appointed by the governor with the advice and  
4 consent of the senate. The commission shall consist of 3 public  
5 members and 2 police officers.

6       (2) The members first appointed to the commission shall be  
7 appointed within 60 days after the effective date of this act.  
8 Members of the commission shall serve for terms of 4 years,  
9 except that for the members first appointed, 1 shall serve for 1  
10 year, 2 shall serve for 2 years, and 2 shall serve for 3 years.  
11 Members may serve consecutive terms.

12       (3) If a vacancy occurs on the commission, the governor  
13 shall make an appointment for the unexpired term in the same  
14 manner as the original appointment.

15       (4) The governor may remove a member of the commission for  
16 incompetency, dereliction of duty, malfeasance, or nonfeasance in  
17 office, or any other good cause.

18       (5) The first meeting of the commission shall take place  
19 within 90 days after the effective date of this act. At the  
20 first meeting, the commission shall elect from among its members  
21 a chairperson and other officers as it considers necessary or  
22 appropriate. After the first meeting, the commission shall meet  
23 quarterly or more frequently at the call of the chairperson or if  
24 requested by 3 or more members.

25       (6) A majority of the members of the commission constitutes  
26 a quorum for the transaction of business at a meeting of the

1 commission. A majority of the members serving is required for  
2 official action of the commission.

3 (7) The business that the commission may perform shall be  
4 conducted at a public meeting of the commission held in compli-  
5 ance with the open meetings act, Act No. 267 of the Public Acts  
6 of 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
7 Laws.

8 (8) A document prepared, owned, used, in the possession of,  
9 or retained by the commission in the performance of an official  
10 function is subject to the freedom of information act, Act  
11 No. 442 of the Public Acts of 1976, being sections 15.231 to  
12 15.246 of the Michigan Compiled Laws.

13 (9) A member of the commission shall not receive compensa-  
14 tion for service as a commissioner. Each member of the commis-  
15 sion shall receive reimbursement for actual expenses incurred in  
16 connection with the duties of the office.

17 Sec. 6. The commission shall do all of the following:

18 (a) Administer this act and perform all acts and exercise  
19 all powers reasonably necessary to implement this act.

20 (b) Review grant applications and determine which applicants  
21 will receive grant funds and the amount of grant funds to be dis-  
22 tributed to eligible applicants.

23 Sec. 7. (1) A local community may use grant funds to hire  
24 local police officers or designate grant funds to be used to hire  
25 additional state troopers or sheriff's secondary road patrol  
26 officers. If the local community chooses to use grant funds for  
27 additional state troopers or sheriff's secondary road patrol

1 officers, it is the department's responsibility to hire the  
2 additional state officers.

3 (2) Grant funds shall be used to increase the police force  
4 of the local community. Grant funds shall not be used to fund  
5 the local community's maintenance police force or to hire police  
6 officers whose primary functions are administrative.

7 Sec. 8. (1) Grant funds shall be distributed within 90 days  
8 after the beginning of each fiscal year based on the availability  
9 of funds.

10 (2) The distribution of grant funds is subject to the fol-  
11 lowing limitations:

12 (a) Not more than 10% of the funds may be used to hire addi-  
13 tional state troopers.

14 (b) Not more than 10% of the funds may be used to hire addi-  
15 tional sheriff's secondary road patrol officers.

16 Sec. 9. (1) A local community that receives grant funds  
17 shall use the grant funds for police officer salaries before the  
18 end of the fiscal year in which the funds were received. Grant  
19 funds that have not been used or encumbered by the local commu-  
20 nity shall be returned, along with any accrued interest, within  
21 30 days after the end of the fiscal year for which they were  
22 awarded.

23 (2) Each year that a local community receives grant funds,  
24 it shall conduct an audit of all receipts and disbursements of  
25 grant funds and shall submit an audit report to the commission.  
26 Audit reports submitted to the commission shall be prepared in  
27 accordance with generally accepted accounting principles.

1           (3) The department or an agent of the department may conduct  
2 a separate audit to investigate any inappropriate use of grant  
3 funds. A local community that uses grant funds inappropriately  
4 may, at the discretion of the department and the commission, be  
5 required to refund to the department the amount of the grant  
6 funds that were used inappropriately or may be temporarily or  
7 permanently prohibited from applying for future grant funds.

8           Sec. 10. The legislature shall annually appropriate funds  
9 for the program.