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Senate Bill 1434 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Senator Gerald Van Woerkom

Committee: Judiciary

## **CONTENT**

The bill would amend Public Act 59 of 1935, which provides for the organization of the Michigan Department of State Police (MSP), to authorize motor carrier enforcement officers to enforce the Michigan Vehicle Code and allow them to make a warrantless arrest for misdemeanor possession of marihuana.

The Act allows the MSP Director to appoint officers with limited arrest powers for motor carrier enforcement. Those officers have all powers conferred upon peace officers for the purpose of enforcing Michigan law as it pertains to commercial vehicles. The Director may authorize motor carrier officers to carry a firearm. The Act also lists circumstances under which a motor carrier officer may arrest a person without a warrant.

Under the bill, those officers would have limited arrest powers for motor carrier enforcement and for enforcement of the Michigan Vehicle Code. Also, the bill would add misdemeanor possession of marihuana to the list of violations for which a motor carrier enforcement officer may make a warrantless arrest.

MCL 28.6d Legislative Analyst: Patrick Affholter

## FISCAL IMPACT

The bill would have a moderate fiscal impact on the Department of State Police. Currently, there are 136 motor carrier officers in the Department. If those officers were required to operate under expanded authority to enforce the Vehicle Code and certain provisions of the Public Health Code as the bill proposes, it would require approximately one to two weeks of training for each officer and conversion costs of \$75,000.

It should be noted that concern has been raised as to whether directing motor carrier officers to do anything other than enforce motor carrier laws and regulations--which is the basis upon which the Federal government provides the funding for these officers--would jeopardize the use of these funds by the State. The Department has stated that it has been notified by the Federal Motor Carrier Safety Advisory Board of this concern. However, the Department also reports that other states have successfully expanded the scope of responsibility of their federally funded motor carrier officers after first consulting with Federal authorities, without putting any of their Federal funding at risk.

Date Completed: 11-18-10 Fiscal Analyst: Bruce Baker