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BILL ANALYSIS



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Senate Bill 1434 (as introduced 7-28-10)
Sponsor: Senator Gerald Van Woerkom
Committee: Judiciary

Date Completed: 11-2-10

CONTENT

The bill would amend Public Act 59 of 1935, which provides for the organization of the Michigan Department of State Police (MSP), to require motor carrier enforcement officers to be trained to be certified as law enforcement officers.

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, the MSP would have to train an appointed motor carrier enforcement officer to be certified and authorized to be employed as a law enforcement officer pursuant to the Commission on Law Enforcement Standards (COLES) Act. Each motor carrier officer who was not certified on the bill's effective date would have to be given sufficient additional training to be certified and authorized to be employed as a law enforcement officer under the COLES Act.

Motor carrier officers would have all powers conferred upon peace officers, rather than being limited to the enforcement of laws that pertain to commercial vehicles. The bill would delete the provisions allowing the Director to authorize motor carrier officers to carry firearms, and the specific circumstances under which motor carrier officers may make a warrantless arrest.

Motor carrier officers would continue to be excluded from the retirement system created in the State Police Retirement Act.

MCL 28.6d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a significant fiscal impact on the Department of State Police. Currently, there are 174 motor carrier officers in the Department. If those officers were required to become MCOLES-certified police officers as the bill proposes, it would require approximately eight weeks of training for each officer and first-year conversion costs of \$1.1 million.

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.