

HOUSE BILL No. 5357

September 15, 2009, Introduced by Reps. Nathan, Durhal, Tlaib, Young, Leland, Bettie Scott, Womack, Cushingberry, Johnson, Jackson, Lemmons and Geiss and referred to the Committee on Education.

A bill to amend 2004 PA 378, entitled
"Public body law enforcement agency act,"
by amending section 4 (MCL 28.584).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A public body shall not create a law enforcement
2 agency under this act unless, before that agency is created, the
3 governing entity obtains the approval of the prosecuting attorney
4 of each county within which the public body owns, maintains, or
5 controls property. If the property of the public body is located
6 entirely within 1 city, the public body also shall obtain the
7 approval of the chief of police of that city. If the property of
8 the public body is not located entirely within 1 city, the public
9 body also shall obtain the approval of the sheriff of each county

1 within which the public body owns, maintains, or controls property.
2 If all the property of the public body is located within a county
3 ~~which~~ **THAT** does not have a first class school district ~~as defined~~
4 ~~in 1976 PA 451~~ **OR A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
5 **THAN 100,000 PUPILS IN MEMBERSHIP**, the public body shall also
6 obtain the approval of the county sheriff. Before granting that
7 approval, the prosecuting attorney, the sheriff, if required, and
8 the chief of police, if required, shall make a determination that
9 the proposed law enforcement agency is needed to assure adequate
10 public safety on the property of the public body and that the
11 proposed agency can comply with the minimum guidelines established
12 under section 6.

13 (2) In addition to the requirements of subsection (1), before
14 creating a law enforcement agency under this act, the governing
15 entity shall hold not fewer than 2 public hearings in the proposed
16 law enforcement agency's jurisdiction on the question of creating
17 the proposed law enforcement agency. The governing entity shall
18 make a record of the hearing and shall provide copies of the record
19 to all of the prosecuting attorneys, sheriffs, and chiefs of police
20 from whom approval is required by this section.

21 (3) **AS USED IN THIS SECTION, "FIRST CLASS SCHOOL DISTRICT" AND**
22 **"MEMBERSHIP" MEAN THOSE TERMS AS DEFINED IN THE REVISED SCHOOL**
23 **CODE, 1976 PA 451, MCL 380.1 TO 380.1852.**