

SENATE BILL No. 1434

July 28, 2010, Introduced by Senators VAN WOERKOM, NOFS, CROPSEY, JELINEK, GILBERT and JANSEN and referred to the Committee on Judiciary.

A bill to amend 1935 PA 59, entitled

"An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,"

by amending section 6d (MCL 28.6d), as added by 1982 PA 531.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6d. (1) The director may appoint officers ~~with limited~~
2 ~~arrest powers~~ for motor carrier enforcement. ~~Such~~ **THOSE** officers
3 shall be officers of the motor carrier enforcement division of the
4 department and shall have all powers conferred upon peace officers.

~~for the purpose of enforcing the general laws of this state as they pertain to commercial vehicles. The director may authorize officers of the motor carrier enforcement division to carry a firearm.~~

~~—— (2) In addition to the limited arrest authority granted in subsection (1), an officer of the motor carrier enforcement division, while on duty, may arrest a person without a warrant, if 1 or more of the following circumstances exist:~~

~~—— (a) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.81 and 750.81a of the Michigan Compiled Laws, against the officer or against another person in the presence of the officer.~~

~~—— (b) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person committed it.~~

~~—— (c) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source, that a peace officer holds a warrant for the person's arrest.~~

~~—— (d) The person commits a civil infraction or misdemeanor in violation of 1 or more of the following sections of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949:~~

~~—— (i) Section 625 or 625b, being sections 257.625 and 257.625b of the Michigan Compiled Laws.~~

~~—— (ii) Sections 716 to 726, being sections 257.716 to 257.726 of the Michigan Compiled Laws.~~

~~—— (e) The person commits a misdemeanor or felony in violation of~~

~~chapter LVI of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.377 to 750.394 of the Michigan Compiled Laws.~~

(2) SUBJECT TO SUBSECTION (3), A MOTOR CARRIER ENFORCEMENT OFFICER APPOINTED UNDER THIS SECTION SHALL BE TRAINED BY THE DEPARTMENT TO BE CERTIFIED AND AUTHORIZED TO BE EMPLOYED AS A LAW ENFORCEMENT OFFICER PURSUANT TO THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616.

(3) EACH MOTOR CARRIER ENFORCEMENT OFFICER WHO IS NOT CERTIFIED ON THE EFFECTIVE DATE OF THE 2009 AMENDATORY ACT THAT AMENDED THIS SECTION SHALL BE PROVIDED WITH SUFFICIENT ADDITIONAL TRAINING TO BE CERTIFIED AND AUTHORIZED TO BE EMPLOYED AS A LAW ENFORCEMENT OFFICER PURSUANT TO THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616, WITHIN 1 YEAR AFTER THAT DATE.

(4) ~~(3)~~ An officer appointed by authority of this section shall ~~IS not be entitled by reason of employment to become a member of the state police pension, accident, and disability plan established by Act No. 251 of the Public Acts of 1935, being sections 28.101 to 28.110 of the Michigan Compiled Laws, or other similar department program~~ RETIREMENT SYSTEM CREATED IN THE STATE POLICE RETIREMENT ACT OF 1986, 1986 PA 182, MCL 38.1601 TO 38.1648.