

SENATE BILL No. 1588

November 30, 2010, Introduced by Senator GARCIA and referred to the Committee on Senior Citizens and Veterans Affairs.

A bill to amend 1967 PA 150, entitled
"Michigan military act,"
by amending section 179 (MCL 32.579), as amended by 2002 PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 179. (1) No civilian person, except the governor, may
2 command personnel of the state military establishment.

3 (2) If any portion of the organized militia is called into
4 active service, active state service, or the service of the United
5 States to execute the laws, engage in disaster relief, suppress or
6 prevent actual or threatened riot or insurrection, repel invasion,
7 respond to acts or threats of terrorism or safeguard military or
8 other vital resources of this state or of the United States, or to

1 assist in the enforcement of a law prohibiting the importation,
2 sale, delivery, possession, or use of a controlled substance as
3 that term is defined in section 7104 of the public health code,
4 1978 PA 368, MCL 333.7104, a commanding officer shall use his or
5 her own judgment in apprehending or dispersing a sniper, a rioter,
6 a mob, or an unlawful assembly. In situations described in this
7 subsection, the commanding officer may apprehend a person on a
8 state military base, armory base, air base, or a vital resource of
9 this state or of the United States if the commanding officer has
10 reasonable cause to believe the person has committed a felony or a
11 misdemeanor punishable by imprisonment for more than 92 days on
12 that state military base, armory base, air base, or a vital
13 resource of this state or of the United States. In situations
14 described in this subsection, the commanding officer or an
15 individual under his or her command may apprehend a person on a
16 state military base, armory base, air base, or a vital resource of
17 this state or of the United States if the person commits a crime in
18 the presence of the commanding officer or an individual under his
19 or her command on that state military base, armory base, air base,
20 or a vital resource of this state or of the United States. That
21 commanding officer shall determine the amount and kind of force to
22 be used in preserving the peace and carrying out the orders of the
23 governor. Except as provided in subsection (3), that commanding
24 officer's honest and reasonable judgment under the circumstances
25 then existing, in the exercise of his or her duty, is full
26 protection, civilly and criminally, for an act done in the line of
27 duty, and a member of the organized militia in active service,

1 active state service, or the service of the United States is not
2 liable civilly or criminally for an act committed by him or her in
3 the performance of his or her duty.

4 (3) A member of the organized militia in active service,
5 active state service, or the service of the United States has the
6 immunity of a peace officer in this state if 1 or more of the
7 following apply:

8 (a) The member is acting in aid of civil authorities and
9 acting in the line of duty.

10 (b) The member is assisting in the enforcement of a law
11 prohibiting the importation, sale, delivery, possession, or use of
12 a controlled substance as that term is defined in section 7104 of
13 the public health code, 1978 PA 368, MCL 333.7104, and acting in
14 the line of duty.

15 (c) The member has been ordered by the governor to respond to
16 acts or threats of terrorism or to safeguard military or other
17 vital resources of this state or of the United States **OR HAS BEEN**
18 **ORDERED BY THE GOVERNOR TO ACT AFFIRMATIVELY TO ASSIST OR AID IN**
19 **THE GENERAL WELFARE OF THE PEOPLE OF THIS STATE** and is acting in
20 the line of duty.

21 (4) The attorney general of this state shall defend a civil
22 action or criminal prosecution brought in a state or federal court,
23 against a member of the organized militia or his or her estate,
24 arising from an act or omission alleged to have been committed
25 while in active service, active state service, or the service of
26 the United States.