

# HOUSE BILL No. 5213

January 8, 2014, Introduced by Reps. Irwin, McMillin, Santana, Robinson, Banks, Shirkey and Switalski and referred to the Committee on Criminal Justice.

A bill to regulate the use by law enforcement agencies of law enforcement participants and informants who are less than 18 years of age; and to provide for the issuance of injunctive orders and payment of damages under certain circumstances.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Informant" means an individual who is used by a law  
3 enforcement agency to provide information about any other person  
4 for purposes of investigating a violation of law that is a crime or  
5 a state civil infraction. Informant does not include an individual  
6 who reports a crime or a state civil infraction to a law  
7 enforcement agency on his or her own volition unless the law  
8 enforcement agency recontacts that individual in order to require

1 or allow that individual to obtain additional information about  
2 that crime or state civil infraction or any other crime or state  
3 civil infraction beyond that which he or she has at the time of  
4 that subsequent contact.

5 (b) "Juvenile" means an individual less than 18 years of age.

6 (c) "Law enforcement agency" means 1 or more of the following:

7 (i) The department of state police.

8 (ii) The police department of a city, village, or township.

9 (iii) A county sheriff and the sheriff department.

10 (iv) The police department of a community college, college, or  
11 university.

12 (v) The police department of a hospital.

13 (vi) The law enforcement division of the department of natural  
14 resources.

15 (vii) The law enforcement division of the department of  
16 environmental quality.

17 (viii) An employee, volunteer, or contractual service provider  
18 acting on behalf of an entity described in subparagraphs (i) to  
19 (vii).

20 (d) "Law enforcement participant" means an individual, other  
21 than a police officer, who is used by a law enforcement agency to  
22 directly participate in an action to do either of the following:

23 (i) Prevent a crime or a state civil infraction from taking  
24 place.

25 (ii) Enforce a law, the violation of which is designated to be  
26 a crime or a state civil infraction.

27 Sec. 2. A law enforcement agency shall not use a juvenile as a

1 law enforcement participant or an informant without first obtaining  
2 the written consent of a parent or legal guardian of the juvenile.  
3 This subsection does not apply if the juvenile is emancipated.

4       Sec. 3. If a law enforcement agency uses an individual as a  
5 law enforcement participant or an informant without first complying  
6 with the requirements of section 2, any parent or legal guardian of  
7 that individual may obtain an order in the circuit court in which  
8 the parent or legal guardian resides or in which the individual  
9 resides prohibiting the law enforcement agency from using that  
10 individual as a law enforcement participant or an informant until  
11 the requirements of section 2 are met. If a parent or legal  
12 guardian obtains an order prohibiting the law enforcement agency  
13 from using the individual as a law enforcement participant or an  
14 informant until the requirements of section 2 are met, the court  
15 shall order the law enforcement agency to pay the actual costs and  
16 attorney fees of the parent or legal guardian in obtaining the  
17 order and to pay additional damages to the parent or legal guardian  
18 of not less than \$500.00 or more than \$1,000.00.