

Legislative Analysis



INCLUDE MCOLES-CERTIFIED OFFICER IN DEFINITION OF “PEACE OFFICER” IN MENTAL HEALTH CODE

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Senate Bill 59 as reported from committee

Sponsor: Sen. John Cherry

House Committee: Health Policy

Senate Committee: Civil Rights, Judiciary, and Public Safety

Complete to 6-26-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 56 of 2023)

SUMMARY:

Senate Bill 59 would amend the Mental Health Code to expand the definition of *peace officer* to include officers of a law enforcement agency who are licensed under the Michigan Commission on Law Enforcement Standards (MCOLES) Act.

The term *peace officer* currently means an officer of the Department of State Police or of a law enforcement agency of a county, township, city, or village who is responsible for preventing and detecting crime and enforcing Michigan’s criminal laws.

In sections 408, 426, 427a, and 427b of the code, which pertain to a peace officer’s taking an individual into protective custody and transporting them to a preadmission screening unit or hospital, allowable use of force when doing so, and immunity from liability when acting under the Mental Health Code, *peace officer* also includes an officer of the U.S. Secret Service with the officer’s consent and a police officer of the Veterans Administration Medical Center Reservation.

MCL 330.1100cc

BRIEF DISCUSSION:

The Mental Health Code provisions that authorize a peace officer to take an individual into protective custody because, among other reasons, the person presents a danger to themselves or others due to a mental illness generally include only state troopers, county sheriffs and deputies, and local police officers. The bill would expand the definition of *peace officer* in the code to include individuals licensed under the MCOLES Act, which include other officers such as conservation officers and members of a campus public safety department. These officers undergo similar training in both de-escalation and the use of force. If an individual is incapacitated or in distress and in need of being placed in protective custody and transported to a hospital or mental health screening facility for their own safety or the safety of others, the first on the scene is often a conservation officer (e.g., for an incident at a state park) or a Department of Public Safety officer (for an incident on a college campus).

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of the Department of Natural Resources testified in support of the bill.
(5-18-23)

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