



Senate Fiscal Agency
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Senate Bill 59 (as reported without amendment)
Sponsor: Senator John Cherry
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would amend the Mental Health Code to modify the definition of "peace officer".

Currently, the Code defines "peace officer" as an officer of the Department of State Police (MSP) or of a law enforcement agency of a county, township, city, or village who is responsible for preventing and detecting crime and enforcing the criminal laws of Michigan.

Under the bill, "peace officer" would mean an officer of the MSP, or an officer of a law enforcement agency of a county, township, city, or village who is responsible for preventing and detecting crime and enforcing the criminal law of Michigan, or an officer of a law enforcement agency who is licensed under the Michigan Commission on Law Enforcement Standards.

MCL 330.1100c

BRIEF RATIONALE

The Code allows a peace officer to take an individual into temporary custody without the individual's consent (protective custody) if a peace officer reasonably believes that the individual needs mental health treatment. According to testimony, conservation officers (CO) often interact with people in need of mental health treatment on State lands, but they are not considered peace officers under the Code and so cannot take an individual into protective custody. Some people believe COs should be considered peace officers under the Code to allow them to take people needing mental health treatment into protective custody.

PREVIOUS LEGISLATION

(Please note: The information in this summary provides a cursory overview of previous legislation and its progress. It does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of Senate Bill 1172 of the 2021-2022 Legislative Session. Senate Bill 1172 was reported by the Senate Committee on Health Policy and Human Services but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-10-23

Fiscal Analyst: Ellyn Ackerman