



Senate Fiscal Agency  
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Senate Bill 59 (as passed by the Senate)

*(enacted version)*

Sponsor: Senator John Cherry

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-2-23

### **RATIONALE**

The Mental Health 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 or require them to take a mental health evaluation. Some people believe COs should be considered peace officers under the Code to allow them to take people possibly needing mental health treatment into protective custody or require them to take a mental health evaluation.

### **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 (MCOLES).

MCL 330.1100c

### **PREVIOUS LEGISLATION**

*(Please note: This section 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.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Empowering officers licensed under MCOLES to take individuals into protective custody or require them to complete a mental health evaluation would provide mentally ill individuals with another resource. During odd hours and in certain regions of the State, COs may be the

only law enforcement available to respond to disturbances.<sup>1</sup> According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, COs often interact with incapacitated individuals or mentally ill individuals intending to hurt themselves or others on State-owned lands. These officers must call other law enforcement agencies to take the individual into custody; however, other officers may not arrive in time. Even if they do, they may not witness the same behaviors as the COs or decide for some other reason not to take the individual into custody. Conservation officers are trained in de-escalation but lack formal authority to take an individual into protective custody or require them to take a mental health evaluation. Campus police and travel police officers face the same issue. Counting officers licensed under MCOLES as peace officers would allow them to offer distressed individuals proper care.

Legislative Analyst: Tyler P. VanHuyse

### **FISCAL IMPACT**

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

Fiscal Analyst: Elyn Ackerman

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<sup>1</sup> Burr, Alyssa, "Conservation officers may be granted authority to address mental health emergencies under bill", *MLIVE*, Nov. 24, 2022.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.