

Legislative Update 2002

Michigan Vehicle Code/Commercial Vehicle Violations:

MINOR'S STATE I.D.

MCL 28.292 Revises design of state identification card for persons under age of 21 to a vertical or portrait design. **Effective: October 1, 2002**

MINOR'S DRIVER LICENSE

MCL 257.310, 257.310e and 257.314 Revise design of driver license for persons under the age of 21 to a vertical or portrait design. **Effective: October 1, 2002**

HIGHWAY SAFETY

MCL 257.720 Bans vehicles with device or boom that extends beyond the front bumper. Includes exemptions for "agricultural vehicles", vehicles engaged in construction, and vehicles en route to a repair facility. (misdemeanor) **Effective: July 26, 2002**

ABANDONED CAR REMOVAL

MCL 257.252a Provides 18-hour abandonment before removal of abandoned vehicles from state trunk line highways and freeways. Provides for immediate removal of abandoned vehicle if a valid registration plate is not affixed. **Effective: December 23, 2002**

TRUCK AXLES

MCL 257.719 Amends the Michigan Vehicle Code to specify the number of axles allowed on 53-foot semi-trailers, increasing that number from two to three, after March 31, 2003. **Effective: March 25, 2002**

DRIVER LICENSE FORGERY

MCL 257.310 Increases penalties for reproducing, altering, counterfeiting, forging or duplicating a driver's license photograph. **Effective: April 22, 2002**

CONSTRUCTION ZONE SPEEDING

MCL 257.320a Increases number of points added to driving record for violation of speed limit in construction zone. **Effective: July 1, 2002**

BOMB THREAT PENALTIES

MCL 257.303, 257.310e, 257.319, and 257.732 Prohibits obtaining a driver's license until 21 years of age for making false bomb threats. **Effective: October 1, 2002**

VEHICLE EQUIPMENT REQUIREMENTS

MCL 257.712 and 257.713 Deletes provisions relating to requirements for carrying certain equipment for vehicles weighing in excess of 10,000 pounds that have been preempted by federal statutes. **Effective: May 9, 2002**

SEGWAY AUTHORIZATION

MCL 257.13c & 257.655a Allows an individual to operate an "electric personal assistive mobility device" on a sidewalk or any other public area open to pedestrian traffic, defines the "electric personal assistive mobility device," and allows counties and municipalities to regulate the use of the device on their sidewalks, roadways, and crosswalks. **Effective: July 3, 2002**

Crimes Against Persons:

CRIMINAL SEXUAL CONDUCT - TEACHER-STUDENT

MCL 750.520a-750.520e Prohibits sexual relations between certain school employees and students at a public or nonpublic school. **Effective: April 1, 2003**

CHILD ABUSE REPORTING

MCL 722.622, 722.623, 722.632 Revises the Child Protection Law to include members of the clergy among those persons required to report suspected child abuse or neglect. **Effective: March 1, 2003**

MALICIOUS CALLS

MCL 750.540e Includes "communications device" in malicious telephone calls statute. **Effective: November 1, 2002**

DOMESTIC VIOLENCE FATALITY REVIEW TEAMS

MCL 400.1511 Revises requirements for domestic violence fatality review teams and clarifies immunity provisions. **Effective: December 30, 2002**

CHILD ABUSE REPORTING

MCL 722.623 Includes in Child Protection Law physicians' assistants among those persons who are required to report suspected child abuse or neglect. **Effective: February 14, 2002**

PROSTITUTION OFFENSES

MCL 750.448-451 Revises several prostitution-related provisions to lower the age threshold to 16 for which prostitution would be a crime, increase the penalty for first offense prostitution violations, increase penalties for soliciting a child to engage in immoral or sexual acts, and include a conviction for a prostitution-related violation of a local ordinance or another state's law or local ordinance when determining if a violation is a second or subsequent offense. **Effective: June 1, 2002**

POLICE ASSAULTS

MCL 750.81d Increases the penalty for assaulting or battering a peace officer to a felony without the requirement that the officer seek medical attention. Penalties are increased if injury is suffered by the officer. **Effective: July 15, 2002**

ASSAULTS ON OFFICIALS OTHER THAN PEACE OFFICERS

MCL 750.479, 750.479a Prohibits obstructing, resisting, opposing, or assaulting certain officials in the performance of their duties and increases the penalty to a felony and deletes the current misdemeanor penalty for assaulting or committing bodily injury upon a peace officer. **Effective: May 9, 2002**

Crimes Against Property:

STOLEN CAR POSSESSION

MCL 750.535 Creates a crime for the possession of a stolen motor vehicle; provides penalty. **Effective: April 1, 2003**

Controlled Substances:

ECSTASY

MCL 333.7214, 333.7401-7404 Increases penalties for sale or possession of the drug ecstasy. **Effective: April 1, 2003**

Criminal Procedure:

VIDEO RECORDED WITNESS

MCL 600.2163a and **MCL 712A.17b** Enact protections and procedures regarding video recorded statements of vulnerable witnesses. **Effective: March 31, 2003**

SEARCH WARRANTS

MCL 780.651, 780.654, 780.655 Revises procedures for search warrant affidavits. Please see Official Correspondence dated June 17, 2002, for department policy regarding this statutory change. **Effective: April 22, 2002**

CRIMINAL JURISDICTION

MCL 762.2 Allows a person to be prosecuted for a criminal offense that he or she committed while physically located in or outside of Michigan. **Effective: April 22, 2002**

CRIMINAL INSANITY

MCL 768.36 Revises "guilty but mentally ill" provisions to conform with the insanity statute. **Effective: May 1, 2002**

DRUNKEN DEFENSE

MCL 768.37 Bars defense of crime based on influence of voluntarily consumed or ingested alcohol or controlled substance. **Effective: September 1, 2002**

Miscellaneous Laws:

INTOXICATED TRAIN ENGINEERS

MCL 462.105, 462.109, etc. Prohibits operation of locomotive by individual while intoxicated or impaired causing death or serious impairment and establishes penalties, reduces BAC for locomotive to .04. **Effective: April 1, 2003**

ARREST FEES

MCL 765.12a Allows for the collection of a \$10 administrative fee for arrests made on warrants. **Effective: December 23, 2002**

CONCEALED WEAPONS

MCL 28.425b etc. Revises the concealed pistol licensing act. Official correspondence regarding changes to the law will be forthcoming. **Effective: July 1, 2003**

LAW ENFORCEMENT WEAPONS

MCL 750.231 Allows regularly employed peace officers, authorized employees of the Department of Corrections, and on-duty members of the military to carry short barreled shotguns and rifles, mechanical knives, and if trained, portable electronic weapons (tasers). **Effective: July 26, 2002**

ELECTRIC WEAPONS

MCL 750.224a Allows possession and use of electrical current devices (tasers) by law enforcement and military personnel. **Effective: December 30, 2002**

AMBER ALERT

PA 712 of 2002 Statutorily establishes the "Amber Alert" system to broadcast information regarding potential child abductions. **Effective: December 30, 2002**

SEX OFFENDER REGISTRATION

MCL 28.722, 28.725, etc. Requires sexual offenders who are employed by, or students at, institutions of higher education to make reports to police agencies.

Effective: October 1, 2002

CHILD PORNOGRAPHY

MCL 750.145c Revises crime of child pornography and increases penalty to felony.

Effective: March 31, 2003

FINGERPRINTING

MCL 28.242-243 Amends the fingerprinting law by requiring the fingerprinting of a person arrested for criminal contempt for violating a domestic violence or stalking personal protection order, and by requiring the Department of State Police to maintain criminal history record information on people convicted in Michigan of that offense. **Effective: December 30, 2002**

ALZHEIMER'S/DEMENTIA LEIN REPORTING

MCL 28.258 Requires the law enforcement agency receiving the report of a missing person, after conducting a preliminary investigation, to immediately enter certain information regarding that individual into the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC) if the individual reported missing has Alzheimer's disease or dementia. Requires broadcast to all law enforcement agencies having jurisdiction of the location where the missing person lives or was last seen, any law enforcement agency that potentially could become involved in locating the missing person, and all law enforcement agencies where the individual who reported the missing person requests the information to be sent, if the request is reasonable. **Effective: December 30, 2002**

GUN TRANSPORT

MCL 750.231a Clarifies firearm transportation requirements. Please see Official Correspondence of April 4, 2002, for summary of the new law.

Effective: March 26, 2002

SHOPLIFTING SHIELDS

MCL 750.360a Prohibits manufacture, distribution, or possession of a device to shield shoplifted merchandise from detection or tool designed to deactivate or remove a theft detection device. **Effective: July 1, 2002**

STATE POLICE POLITICKING

MCL 28.10 Eliminates provision banning State Police employees from participating in political campaigns while off-duty. Please note that Civil Service Rules as well as Official Order 1 still apply. **Effective: May 23, 2002**

FINGERPRINT FEES

MCL 28.273 Increases state fee for processing fingerprints from \$15 to \$30.

Effective: June 21, 2002

CRIMINAL APPEALS FEES

MCL 780.621 Increases fee for application to set aside criminal convictions from \$25 to \$50. **Effective: October 1, 2002**

PRIVATE SECURITY GUARD ACT REVISIONS

MCL 338.1051-1085 Revises the Private Security Business and Security Alarm Act by increasing training procedures and regulations for private security guards.

Effective: October 1, 2002

PRIVATE DETECTIVE ACT REVISIONS

MCL 338.821-851 Revises the Private Detective Licensing Act.
Effective: October 1, 2002

ANTI-TERRORISM LEGISLATION:

ANTI-TERRORISM ACT

MCL 750.543a Enacts Michigan Anti-Terrorism Act. **Effective: April 22, 2002**

F.O.I.A. EXEMPTIONS

MCL 15.243 Exempts information systems for transportation, power, gas, telecommunications, water, and other critical services from Freedom of Information Act. **Effective: May 1, 2002**

TERRORISM: GRAND JURY INFORMATION

MCL 767.19f Exempts police communications in terrorism cases from grand jury information protection.
Effective: May 1, 2002

TERRORISM: PUBLIC BUILDING TARGETING

MCL 750.543r Provides penalties for targeting a public building with intent to terrorize or threaten.
Effective: April 22, 2002

TERRORISM: VULNERABLE TARGETS

MCL 750.212a Expands definition of vulnerable target in explosives chapter of Penal Code to include stadiums, critical transportation infrastructures, and public service providers. **Effective: April 1, 2002**

TERRORISM: INTERNET OFFENSES

MCL 750.543p Provides penalties for use of the Internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations. **Effective: April 1, 2002**

TERRORISM: STATUTE OF LIMITATIONS

MCL 767.24 Eliminates statute of limitations for terrorist crimes.
Effective: April 1, 2002

TERRORISM: RESTITUTION

MCL 769.1f Requires restitution to all governmental entities for terrorist activities.
Effective: April 22, 2002

MILITARY REEMPLOYMENT PROTECTION

MCL 32.273 Clarifies military leaves and reemployment protection for members of the military called to active service. **Effective: April 1, 2002**

TERRORISM: RACKETEERING

MCL 750.159g Includes terrorism as predicate offense for racketeering violation.
Effective: April 22, 2002

TERRORISM: HOSPITAL BIOHAZARD PLAN

MCL 333.21513 Requires hospitals to establish a biohazard detection and handling plan. **Effective: April 1, 2002**

TERRORISM: EMERGENCY MANAGEMENT

MCL 30.401-30.421 Revises powers and duties in Emergency Management Act.
Effective: May 1, 2002

TERRORISM: MILITARY RESPONSE

MCL 32.505, 32.579, 32.710 Authorizes procedure for granting immunity to military personnel ordered to respond to acts or threats of terrorism and restricts access to real property used for military purposes and clarifies plans for defense of state.

Effective: May 1, 2002

TERRORISM: FAKE BOMBS

MCL 750.204a Prohibits possession of an imitation explosive with intent to frighten, intimidate, threaten, harass, or annoy and requires restitution.

Effective: April 22, 2002

TERRORISM: FOOD/WATER POISONING

MCL 750.436 Increases penalties for knowingly placing a harmful substance in food or water supply and requires restitution. **Effective: April 22, 2002**

TERRORISM: MONEY LAUNDERING

MCL 750.411j Includes terrorism in definition of "specified criminal offense" for money laundering.

Effective: April 22, 2002

TERRORISM: VICTIM COMPENSATION

MCL 750.543h Provides for compensation to victims and payment of expenses for government response for terrorism-related offenses. **Effective: April 1, 2002**

TERRORISM: PROPERTY FORFEITURE

MCL 600.4701, 600.4702 Provides for seizure and forfeiture of property used in connection with a terrorism-related offense. **Effective: May 1, 2002**

TERRORISM: FUNDS SEIZURE FROM FINANCIAL INSTITUTIONS

MCL 487.14406, 490.16c, 491.1135, 487.3514 Requires banks, credit unions, savings and loans, and savings banks to file with the Department of State Police, within 24 hours, a copy of a transaction report that the financial institutions were required to file under Sections 5313 to 5318 of Title 31 of the United States Code.

Effective: May 1, 2002

TERRORISM: PILOT BACKGROUND CHECKS

MCL 259.85a Requires criminal background checks on flight school applicants.

Effective: May 22, 2002

TERRORISM: STUDENT PILOTS

MCL 259.85 Requires criminal background checks on flight school applicants and enrollment refusals for those with certain crimes in the last seven years.

Effective: May 1, 2002

TERRORISM: TRUCKER BACKGROUND CHECKS

MCL 257.307, 257.312f, etc Requires criminal background checks on commercial driver's license applicants requesting a hazardous materials endorsement.

Effective: May 1, 2002

TERRORISM: HAZMAT TRANSPORT

MCL 480.17c Increases penalties for transportation of hazardous materials without a hazardous materials endorsement. **Effective: May 1, 2002**