

**SUBSTITUTE FOR
HOUSE BILL NO. 4138**

A bill to prohibit any agency of this state, any political subdivision of this state, any employee of any agency of this state or any political subdivision of this state, or any member of the Michigan national guard from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detainment of any citizen of the United States under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Subject to subsection (2), notwithstanding any
2 provision of law to the contrary, no agency of this state, no
3 political subdivision of this state, no employee of an agency of
4 this state or a political subdivision of this state acting in his
5 or her official capacity, and no member of the Michigan national
6 guard on active state service shall aid an agency of the armed
7 forces of the United States in any investigation, prosecution, or

House Bill No. 4138 (H-1) as amended April 17, 2013

1 detention of any person pursuant to section 1021 of the national
2 defense authorization act for fiscal year 2012, if such aid would
3 place that state agency, political subdivision, employee, or member
4 of the Michigan national guard in violation of the United States
5 constitution, the state constitution of 1963, or any law of this
6 state.

7 (2) Subsection (1) does not apply to participation by state or
8 local law enforcement or the Michigan national guard in a joint
9 task force, partnership, or other similar cooperative agreement
10 with federal law enforcement if that joint task force, partnership,
11 or similar cooperative agreement is not for the purpose of
12 investigating, prosecuting, or detaining any person pursuant to
13 section 1021 of the national defense authorization act for fiscal
14 year 2012.

[Enacting section 1. This act takes effect upon the expiration of
90 days after the date it is enacted into law.]