

STATE OF MICHIGAN
[]th LEGISLATURE

SENATE BILL No. _____

Introduced by Senator _____

Date Introduced: _____

A BILL TO BE ENTITLED:

AN ACT to enact "Ambrose's Law"; to require mandatory independent investigation in connected small-jurisdiction cases involving death, serious injury, or missing persons; to mandate prosecutorial and judicial recusal when a conflict of interest exists between the investigating or adjudicating authority and a named subject; to establish and enhance criminal penalties for the stalking, harassment, and intimidation of victims' families and case witnesses; to establish criminal penalties for the fraudulent concealment of assets in civil actions arising from death or serious injury; to establish enhanced penalties for public officers and state actors who facilitate or participate in asset concealment in such matters; and to provide remedies for violations of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE I — SHORT TITLE AND FINDINGS

SECTION 1. SHORT TITLE.

This act shall be known and may be cited as "Ambrose's Law."

SECTION 2. LEGISLATIVE FINDINGS.

The Legislature finds and declares all of the following:

- (a) On August 28, 2016, Ambrose Ian Sullivan, a 19-year-old resident of Livingston County, Michigan, was struck and killed in a hit-and-run incident on Whitmore Lake Road in Green Oak Township. He was left at the scene. The driver did not stop, did not report the crash to law enforcement, and did not seek help for Ambrose Sullivan.
- (b) Following the crash, according to law enforcement records, the driver went directly to his brother's residence. The driver also contacted his mother by electronic message that same night. The vehicle used in the crash was subsequently found concealed at a warehouse belonging to the driver's father. Law enforcement records document all of these facts.
- (c) The driver was identified and charged with a single count of failure to stop at the scene of an accident resulting in death under MCL 257.617. He served approximately five months in county jail. No additional charges were filed against the driver. No charges were filed against the driver's brother, who received him at his residence following the crash. No charges were filed against the driver's mother, who received electronic communication from the driver the night of the crash and who later appeared under oath in civil proceedings with knowledge of the vehicle's location and disposition. No charges were filed against the driver's father, at whose warehouse the vehicle was concealed.
- (d) The Legislature finds that the charging decisions in this matter were materially shaped by the compromised posture of the primary investigating agency. The investigating officer, a member of the Green Oak Township Police Department, had a documented prior relationship with members of the defendant's family. That relationship was not disclosed. The investigation proceeded under the control of an officer whose impartiality was structurally compromised from the outset.
- (e) The Legislature finds that the consequence of that compromised investigation was not abstract. It was measurable. A driver who struck and killed a 19-year-old, left him at the

scene, went to his brother's house, contacted his mother, and whose family concealed the vehicle at a private warehouse — served five months in a county jail. No member of his family was charged with any crime. The gap between the documented conduct and the legal consequences that followed is a direct record of what happens when the conflict is not identified and the investigation is not transferred.

- (f) A civil judgment arising from the wrongful death of Ambrose Sullivan was entered against members of the defendant's family. That judgment remained unsatisfied for nearly a decade. During the period the judgment remained unsatisfied, a sitting member of the Michigan House of Representatives — who had publicly identified herself as a close personal friend of the defendant's family through her own statements and social media — directed campaign committee payments totaling \$49,250.00 to a business entity owned and operated by members of that same family. The payments are documented in campaign finance filings. The Legislature finds that a sitting legislator with a publicly documented close personal relationship with a judgment debtor, who directed substantial payments to that debtor's business enterprise during the period the judgment remained unsatisfied, had actual knowledge of the unsatisfied judgment. The Legislature further finds that the pattern of payments during the period of judgment evasion warrants recognition as the kind of state actor facilitation this act is designed to prevent and punish.
- (g) Following the criminal proceedings, members of Ambrose Sullivan's family and individuals with knowledge of the matter were subjected to harassment, intimidation, and retaliatory conduct by persons connected to the defendant's family and network. Michigan's existing stalking statutes did not adequately reach this conduct because those statutes were not designed to protect the families of deceased victims or case witnesses who are not themselves named complainants in a pending criminal proceeding.

- (h) Civil litigation arising from the circumstances of Ambrose Sullivan's death implicated the fraudulent concealment of assets by individuals and entities connected to the defendant's family. Existing fraudulent transfer law did not carry penalties proportionate to the severity of that concealment or the public trust implicated when persons with ties to public officials participated in or facilitated it.
- (i) The Legislature finds that small, closely connected jurisdictions present structural conditions under which law enforcement, prosecutorial, and judicial independence is compromised by pre-existing personal, professional, civic, financial, or familial relationships between institutional actors and the subjects of their investigations or adjudications.
- (j) The Legislature finds that these structural conditions are not aberrations. They recur across Michigan's rural and small-community jurisdictions. The death of Ambrose Sullivan is not an isolated failure. It is a documented example of what this gap costs — measured in a five-month sentence, an unsatisfied decade-long judgment, and a family that has never received justice.
- (k) The Legislature declares that the citizens of Michigan, and particularly the families of victims in small-jurisdiction cases, are entitled to investigation, prosecution, and adjudication that is structurally independent from the relationships that define the communities in which those cases arise.
- (l) The Legislature declares that no person connected to the subject of a death investigation, serious injury investigation, or missing persons investigation shall use their personal relationships, financial resources, community position, or public office to compromise the investigation, harass the victim's family, silence witnesses, conceal assets, or facilitate the evasion of civil judgments in related proceedings — and that the state of Michigan will impose meaningful criminal and civil consequences on those who do.

ARTICLE II — DEFINITIONS

SECTION 3. DEFINITIONS.

As used in this act:

- (a) "Case witness" means any person who has provided, is expected to provide, or has been identified as a potential source of information material to a covered investigation, whether or not that person has been formally interviewed or deposed.
- (b) "Conflict-triggering relationship" means any of the following relationships between a covered law enforcement agency, prosecuting attorney, or judge and a subject of a covered investigation or related civil proceeding:
 - (1) A current or former employment relationship, including employment within the same organization, department, or unit within the preceding ten years.
 - (2) A familial relationship by blood, marriage, or adoption to the second degree of consanguinity.
 - (3) A financial relationship, including any shared business interest, joint venture, creditor-debtor relationship, or compensation arrangement, within the preceding seven years.
 - (4) A civic or organizational relationship, meaning membership in the same club, association, board, committee, political organization, or nonprofit within the preceding five years, where the membership created regular personal contact.

- (5) A social relationship of sufficient regularity and closeness that a reasonable person with knowledge of the relationship would question the ability of the agency or official to conduct an impartial investigation or adjudication.
 - (6) A prior professional relationship in which the agency, officer, or official previously represented, employed, supervised, or was supervised by a subject of the covered investigation.
 - (7) A community prevalence relationship, as defined in Section 3(b1), between the investigating or adjudicating authority and a Community Prevalent Actor as defined in Section 3(b1), where that Community Prevalent Actor has a material interest in the outcome of the covered investigation or related civil proceeding.
- (b1) "Community Prevalent Actor" means any individual, family, or entity that satisfies two or more of the following criteria with respect to the jurisdiction in which a covered investigation or related civil proceeding arises:
- (1) The individual, family, or entity is among the five largest private employers in the county in which the covered investigation arises, as measured by number of employees or by annual payroll, based on any publicly available record, filing, or reported data.
 - (2) The individual, family, or entity provided founding support, naming rights, primary financial sponsorship, or ongoing material financial support to any law enforcement agency, county government building, public institution, or civic organization operating in the jurisdiction.
 - (3) The individual, family, or entity has, within the preceding ten years, made campaign contributions to the elected prosecuting attorney, sheriff, or any judge presiding in the

jurisdiction, totaling in aggregate more than \$5,000.00, as documented in campaign finance filings.

(4) The individual, family, or entity employs, has employed, or has had a material financial relationship with three or more current or former public officials, law enforcement officers, or court personnel in the jurisdiction within the preceding ten years.

(5) The individual, family, or entity is a party to, or has a material financial interest in the outcome of, the covered investigation or related civil proceeding.

A "community prevalence relationship" exists when the investigating or adjudicating authority has any conflict-triggering relationship under subdivisions (1) through (6) of this subsection with a Community Prevalent Actor, or when the Community Prevalent Actor has a material interest in the outcome of the covered investigation or related civil proceeding and satisfies two or more of the criteria in subdivisions (1) through (5) of this subsection.

(c) "Covered investigation" means any investigation by a law enforcement agency in this state into:

(1) A death, including a traffic fatality, homicide, or death of undetermined cause.

(2) A serious bodily injury.

(3) A missing person.

(d) "Covered law enforcement agency" means any municipal police department, county sheriff's office, township law enforcement agency, or other local law enforcement entity whose primary jurisdiction is a small jurisdiction as defined in this section.

- (e) "Deceased victim's family member" means a spouse, parent, child, sibling, grandparent, grandchild, or any other person who shared a household with the deceased victim at the time of the victim's death or within the two years preceding the victim's death.
- (f) "Enhanced harassment" means harassment, stalking, or intimidation conduct as defined in this act that is directed at a deceased victim's family member or a case witness in connection with a covered investigation or related civil proceeding.
- (g) "Independent investigating agency" means:
- (1) The Michigan State Police; or
 - (2) A law enforcement agency from a jurisdiction that has no conflict-triggering relationship with any subject of the covered investigation, appointed by the Michigan State Police or the Michigan Attorney General to conduct the investigation.
- (h) "Related civil proceeding" means any civil action arising out of the same facts as a covered investigation, including but not limited to a wrongful death action, a personal injury action, or a survival action.
- (i) "Small jurisdiction" means a city, township, village, or unincorporated community with a resident population of fewer than 25,000 persons as determined by the most recent federal decennial census or official intercensal estimate published by the United States Census Bureau.
- (j) "State actor" means a public officer, public employee, or individual acting under color of state or local law, including but not limited to elected officials, appointed officials, law enforcement officers, prosecuting attorneys, judges, magistrates, court clerks, and civil servants employed by a county, city, township, village, or state agency.

- (k) "Subject" means any person who is identified as a person of interest, suspect, or defendant in a covered investigation or related civil proceeding, and any person whose conduct is at issue in a covered investigation or related civil proceeding.

ARTICLE III — MANDATORY INDEPENDENT INVESTIGATION AND RECUSAL

SECTION 4. AUTOMATIC TRIGGER — SMALL JURISDICTION TRACK.

- (a) A covered law enforcement agency shall be presumed to have a disqualifying structural conflict and shall be prohibited from serving as the primary investigating agency in a covered investigation when all of the following conditions are met:
- (1) The covered law enforcement agency's primary jurisdiction is a small jurisdiction.
 - (2) A subject of the covered investigation resides in, regularly conducts business in, or is a public official of the same small jurisdiction as the covered law enforcement agency.
 - (3) The covered law enforcement agency has not self-reported a conflict and voluntarily requested transfer of the investigation within 72 hours of identifying a subject who satisfies subdivision (2) of this subsection.
- (b) The presumption of disqualifying structural conflict under subsection (a) is not rebutted by the agency's assertion of its own impartiality.
- (c) Upon the trigger of subsection (a), the covered law enforcement agency shall immediately notify the Michigan State Police and the county prosecuting attorney. The Michigan State Police shall assume primary investigative jurisdiction within 5 business days of notification or within 5 business days of an independent finding that the trigger conditions are satisfied, whichever is earlier.

SECTION 5. AUTOMATIC TRIGGER — CONFLICT-OF-INTEREST TRACK.

(a) Regardless of the population of the jurisdiction, a covered law enforcement agency, prosecuting attorney's office, or court shall be disqualified from primary jurisdiction over a covered investigation or related civil proceeding when a conflict-triggering relationship exists between:

(1) The agency, the prosecuting attorney, or any judge assigned to a related civil proceeding;
and

(2) Any subject of the covered investigation or related civil proceeding.

(b) Disqualification under this section is mandatory. It is not discretionary. The existence of a conflict-triggering relationship is sufficient to require transfer. A finding of actual bias is not required.

(c) Upon identification of a conflict-triggering relationship:

(1) The covered law enforcement agency shall notify the Michigan State Police and the Michigan Attorney General within 48 hours.

(2) The prosecuting attorney shall notify the Michigan Attorney General within 48 hours and shall be disqualified from the matter. The Michigan Attorney General shall appoint a special prosecutor.

(3) The assigned judge shall be disqualified from the related civil proceeding and shall notify the State Court Administrative Office (SCAO) within 48 hours. SCAO shall assign a judge from outside the affected circuit or district.

SECTION 5a. COMMUNITY PREVALENT ACTOR — MANDATORY DISQUALIFICATION.

(a) When a Community Prevalent Actor as defined in Section 3(b1) has a material interest in the outcome of a covered investigation or related civil proceeding, the following disqualifications are mandatory, regardless of the population of the jurisdiction and regardless of whether any other conflict-triggering relationship is established:

- (1) Any law enforcement agency in which the Community Prevalent Actor has a community prevalence relationship shall be disqualified from serving as primary investigating agency and shall transfer primary jurisdiction to the Michigan State Police within 5 business days of the identification of the community prevalence relationship.
- (2) Any prosecuting attorney who has a community prevalence relationship with the Community Prevalent Actor, or whose office has received campaign contributions from the Community Prevalent Actor totaling more than \$5,000.00 in the aggregate within the preceding ten years, shall be disqualified from the matter. The Michigan Attorney General shall appoint a special prosecutor.
- (3) Any judge who has a community prevalence relationship with the Community Prevalent Actor, or before whom the Community Prevalent Actor or any entity controlled by the Community Prevalent Actor has had a pending matter within the preceding five years, shall be disqualified from the related civil proceeding. SCAO shall assign a judge from outside the affected circuit or district.

(b) The disqualification under this section is mandatory. A court, agency, or official subject to disqualification under this section may not self-certify impartiality as a basis for remaining in the matter.

- (c) A Community Prevalent Actor that takes any action to prevent, delay, or frustrate the identification of a community prevalence relationship or the transfer of jurisdiction under this section is subject to the same penalties as a state actor under Section 11 of this act, with the exception of the pension forfeiture provision.
- (d) The existence of a community prevalence relationship shall be determined by the Michigan Attorney General upon petition by any party, including a deceased victim's family member, or upon the Michigan Attorney General's own initiative. The Michigan Attorney General's determination is not subject to review by any court in the jurisdiction from which disqualification is sought.
- (e) Nothing in this section shall be construed to prohibit a Community Prevalent Actor from participating in a covered investigation or related civil proceeding as a witness, party, or interested person. This section governs the disqualification of institutional actors — law enforcement, prosecutors, and judges — not the rights of the Community Prevalent Actor as a private party.

SECTION 6. FAMILY PETITION.

- (a) A deceased victim's family member may file a written petition with the Michigan Attorney General requesting an independent review of a covered investigation on the grounds that a conflict-triggering relationship exists or that the small jurisdiction track applies.
- (b) The Michigan Attorney General shall complete a preliminary review within 30 days of receipt of a petition under this section and shall provide a written response to the petitioner stating whether the petition warrants referral to the Michigan State Police or appointment of a special prosecutor.
- (c) The filing of a petition under this section does not toll any applicable statute of limitations.

- (d) A deceased victim's family member who files a petition in good faith under this section shall not be subject to civil liability for the act of filing.

SECTION 7. PROHIBITED CONDUCT BY DISQUALIFIED AGENCIES AND OFFICIALS.

- (a) A disqualified agency or official shall not:

- (1) Continue to conduct investigative activity in a covered investigation after the trigger conditions under Sections 4 or 5 are satisfied, except to preserve existing evidence and provide a full case file transfer to the independent investigating agency.

- (2) Communicate with subjects of the covered investigation regarding the substance of the investigation after disqualification, except as required by court order.

- (3) Attempt to influence the independent investigating agency's conduct, findings, or referrals through any direct or indirect means.

- (b) Violation of subsection (a) by a law enforcement officer is grounds for termination and is a misdemeanor punishable by imprisonment of not more than 1 year or a fine of not more than \$5,000.00, or both.

- (c) Violation of subsection (a) by a prosecuting attorney or judge constitutes misconduct in office and shall be reported by the Michigan Attorney General to the Attorney Grievance Commission or the Judicial Tenure Commission, as applicable, within 30 days of the finding.

ARTICLE IV — VICTIM FAMILY AND WITNESS PROTECTION

**SECTION 8. ENHANCED HARASSMENT, STALKING, AND INTIMIDATION —
DECEASED VICTIM'S FAMILY AND CASE WITNESSES.**

- (a) A person shall not engage in a course of conduct directed at a deceased victim's family member or a case witness with the intent to harass, intimidate, or retaliate against that person in connection with a covered investigation or related civil proceeding.
- (b) "Course of conduct" as used in this section includes:
- (1) Repeated in-person contact, surveillance, or following.
 - (2) Repeated written or verbal communication, whether direct or through third parties.
 - (3) Repeated electronic communication, including but not limited to contact via text message, email, telephone, or any internet-based platform.
 - (4) Repeated conduct on social media platforms, including but not limited to posting content about, tagging, messaging, or publishing statements about the targeted person with intent to harass, intimidate, or cause emotional distress.
 - (5) Any conduct that would cause a reasonable person in the targeted person's circumstances to suffer emotional distress, to fear for their physical safety, or to alter their cooperation with a covered investigation or related civil proceeding.
- (c) A course of conduct under this section need not involve physical proximity. Electronic and social media contact qualifies as a course of conduct for purposes of this section without regard to geographic distance between the actor and the target.
- (d) Proof of a course of conduct under this section does not require that each individual act in the pattern constitute an independent crime. The pattern as a whole is the offense.

- (e) A person who violates subsection (a) is guilty of a felony and shall be imprisoned for not more than 5 years or fined not more than \$10,000.00, or both.
- (f) A person who violates subsection (a) and who is a state actor, or who acts in concert with a state actor, is guilty of a felony and shall be imprisoned for not more than 10 years or fined not more than \$25,000.00, or both.
- (g) A person who violates subsection (a) and who causes physical injury to a targeted person, or who causes a targeted person to permanently cease cooperation with a covered investigation, is guilty of a felony and shall be imprisoned for not more than 15 years or fined not more than \$50,000.00, or both.
- (h) The existence of a prior personal or social relationship between the actor and the targeted person does not preclude a finding of violation under this section.

SECTION 9. CIVIL REMEDY.

- (a) A deceased victim's family member or case witness who suffers harm as a result of a violation of Section 8 may bring a civil action against the person who committed the violation.
- (b) Damages available in an action under this section include:
 - (1) Actual damages.
 - (2) Exemplary damages of not less than \$10,000.00 and not more than \$250,000.00 per violation.
 - (3) Reasonable attorney's fees and costs.

(c) An action under this section shall be brought within 5 years of the last act constituting the course of conduct.

(d) A judgment in an action under this section is not dischargeable in bankruptcy.

ARTICLE V — ASSET CONCEALMENT IN COVERED CIVIL PROCEEDINGS

SECTION 10. CRIMINAL ASSET CONCEALMENT IN RELATED CIVIL PROCEEDINGS.

(a) A person who, with intent to hinder, delay, or defraud a plaintiff in a related civil proceeding arising from a covered investigation, does any of the following commits asset concealment under this act:

(1) Transfers, conceals, removes, destroys, or encumbers any asset in which the person has an interest, where that transfer, concealment, removal, destruction, or encumbrance is made with the intent to place the asset beyond the reach of the plaintiff in the related civil proceeding.

(2) Makes a false statement in any financial disclosure, asset declaration, or discovery response in a related civil proceeding regarding the existence, value, ownership, or location of any asset.

(3) Creates, participates in the creation of, or uses any entity, trust, agreement, or nominee arrangement with the intent to conceal assets from a plaintiff in a related civil proceeding.

(b) A person who commits asset concealment under subsection (a) is guilty of a felony and shall be imprisoned for not more than 5 years or fined not more than \$50,000.00, or both.

(c) A person convicted under this section shall also be liable for restitution to the plaintiff in the related civil proceeding in an amount equal to the greater of:

(1) The value of the concealed asset at the time of concealment; or

(2) The value of the concealed asset at the time of judgment in the related civil proceeding.

(d) A conviction under this section does not preclude civil liability under the Michigan Uniform Voidable Transactions Act, MCL 566.31 et seq. The remedies available under this act are cumulative and supplemental to any other available remedy.

SECTION 11. ENHANCED PENALTIES FOR STATE ACTORS.

(a) A state actor who commits asset concealment under Section 10, or who uses the authority or resources of a public office to facilitate asset concealment or the evasion of a civil judgment by another person in a related civil proceeding, is subject to the following enhanced penalties in addition to the penalties prescribed under Section 10(b):

(1) Imprisonment for not more than 15 years.

(2) A fine of not more than \$100,000.00.

(3) Permanent disqualification from holding any public office, appointed position, or employment with any state or local government entity in Michigan.

(4) Forfeiture of any pension, retirement benefit, or deferred compensation accrued in connection with any public position held in Michigan.

(b) For purposes of this section, a state actor "uses the authority or resources of a public office to facilitate asset concealment or judgment evasion" when the state actor does any of the following:

- (1) Provides information obtained through their official position to a subject of a related civil proceeding for the purpose of assisting that subject in concealing assets or evading a civil judgment.
- (2) Uses official influence, including but not limited to communications with financial institutions, courts, or government agencies, to delay or frustrate asset discovery or judgment collection in a related civil proceeding.
- (3) Directs, authorizes, or facilitates payments from any public fund, campaign committee, legislative account, or government-affiliated entity to a judgment debtor or to a business entity owned or controlled by a judgment debtor, during the period a civil judgment arising from a covered investigation remains unsatisfied, where the state actor has actual knowledge of the unsatisfied judgment.
- (4) Participates in the creation or maintenance of any entity, agreement, or arrangement designed to conceal assets or shield income from judgment collection in a related civil proceeding, where that participation occurs in whole or in part through the exercise of or reliance upon the state actor's public position.
- (5) Fails to disclose a conflict-triggering relationship with a subject of a related civil proceeding while taking any official action that affects the related civil proceeding or the collection of any judgment arising from it.

(c) A state actor who violates this section shall be reported to the Michigan Attorney General and to the relevant licensing, disciplinary, or oversight body within 30 days of conviction.

- (d) The enhanced penalties under this section apply regardless of whether the state actor is a named party in the related civil proceeding.

SECTION 12. CIVIL ASSET RECOVERY — RELATED CIVIL PROCEEDINGS.

- (a) In addition to any criminal penalties under Sections 10 and 11, a court presiding over a related civil proceeding in which asset concealment is established by a preponderance of the evidence may:

- (1) Order the rescission of any transfer made in furtherance of the concealment.
- (2) Order a constructive trust over any asset that was the subject of the concealment.
- (3) Award treble damages against any person found to have engaged in asset concealment.
- (4) Award treble damages against any state actor found to have facilitated asset concealment or judgment evasion.
- (5) Award reasonable attorney's fees and costs to the plaintiff.

- (b) The burden of proof for purposes of subsection (a) is a preponderance of the evidence. The plaintiff in a related civil proceeding shall be entitled to a rebuttable presumption that a transfer made by a subject within 2 years before or after the filing of the related civil proceeding was made with intent to hinder, delay, or defraud if:

- (1) The transfer was made to an insider as defined under MCL 566.31; or
- (2) The transfer was made without reasonably equivalent value and the subject was engaged in or about to engage in a covered investigation matter.

ARTICLE VI — REPORTING, OVERSIGHT, AND ENFORCEMENT

SECTION 13. MICHIGAN ATTORNEY GENERAL OVERSIGHT.

(a) The Michigan Attorney General shall establish a Connected Community Case Unit within the Department of Attorney General for purposes of receiving referrals, petitions, and notifications under this act.

(b) The Connected Community Case Unit shall:

(1) Maintain a publicly accessible registry of covered investigations in which a transfer of primary jurisdiction has been made under this act.

(2) Issue an annual report to the Legislature documenting the number of petitions received, the number of jurisdictional transfers executed, the number of prosecutions initiated under Article IV and Article V of this act, and the outcomes of those prosecutions.

(3) Develop and publish model protocols for conflict identification and case file transfer for use by covered law enforcement agencies.

(c) The annual report required under subsection (b)(2) shall be submitted to the Senate Judiciary Committee and the House Judiciary Committee no later than March 1 of each year.

SECTION 14. JUDICIAL TENURE COMMISSION AND ATTORNEY GRIEVANCE COMMISSION.

(a) A violation of Section 7 by a judge constitutes judicial misconduct for purposes of Article VI, Section 30 of the Michigan Constitution of 1963 and shall be referred by the Michigan Attorney General to the Judicial Tenure Commission.

- (b) A violation of Section 7 by a prosecuting attorney or licensed attorney constitutes professional misconduct for purposes of the Michigan Rules of Professional Conduct and shall be referred by the Michigan Attorney General to the Attorney Grievance Commission.
- (c) Referral under this section is mandatory upon a finding of violation. It is not discretionary.

SECTION 15. LAW ENFORCEMENT AGENCY SELF-REPORTING.

- (a) A covered law enforcement agency that identifies the existence of a conflict-triggering relationship or a small-jurisdiction trigger condition in a covered investigation shall self-report to the Michigan State Police and the Michigan Attorney General within 72 hours of identification.
- (b) A covered law enforcement agency that self-reports in good faith under this section shall not be subject to the penalty provisions of Section 7(b) for conduct occurring prior to self-reporting, provided that the agency cooperates fully with the transfer of primary jurisdiction.
- (c) Good faith under this section does not require that the agency have identified the conflict at the time the investigation commenced. It requires only that the agency self-report promptly upon identification and take no further investigative action in the matter following self-reporting.

ARTICLE VII — GENERAL PROVISIONS

SECTION 16. CONSTRUCTION.

- (a) This act shall be construed broadly to effectuate its remedial purpose.

- (b) No provision of this act shall be construed to limit or abridge any right or remedy otherwise available under state or federal law.
- (c) The remedies provided under this act are cumulative and supplemental.
- (d) No provision of this act shall be construed to create a right of action against the state of Michigan or any state agency except as expressly provided.

SECTION 17. SEVERABILITY.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications which can be given effect without the invalid provision or application.

SECTION 18. EFFECTIVE DATE.

This act takes effect 90 days after enactment.

— END OF BILL —

SPONSOR: Senator Tom Noron

DATE INTRODUCED: _____

REFERRED TO: Senate Judiciary Committee

LEGISLATIVE NOTE — FOR STAFF USE

This bill was drafted in response to documented systemic failures in the investigation of the 2016 death of Ambrose Ian Sullivan in Livingston County, Michigan, including the undercharging of the driver, the non-prosecution of family members who received the driver and concealed the vehicle after the crash, the post-death harassment of the Sullivan family, and the nearly decade-long evasion of a civil wrongful death judgment by the defendant's family.

Law enforcement records establish the following post-crash sequence: the driver went to his brother's residence; he contacted his mother by electronic message that night; the vehicle was concealed at his father's warehouse. The driver was charged with a single count under MCL 257.617 (failure to stop at the scene of an accident resulting in death, five-year felony) and served approximately five months in county jail. No charges were filed against the brother, mother, or father. The investigating officer had a documented prior relationship with members of the defendant's family that was not disclosed.

The civil judgment arising from Ambrose Sullivan's wrongful death remained unsatisfied for nearly a decade. During that period, a sitting member of the Michigan House of Representatives who had publicly identified herself as a close personal friend of the defendant's family directed campaign committee payments totaling \$49,250.00 to a business entity owned and operated by members of that family, as documented in campaign finance filings. Section 11(b)(3) of this act is specifically designed to reach this pattern of conduct going forward.

The three-part structure addresses gaps in: MCL 750.411h and 750.411i (stalking statutes not designed for deceased victim's families); MCL 566.31 et seq. (fraudulent transfer law without criminal penalties or state actor enhancements); and existing judicial and prosecutorial recusal standards (no mandatory transfer mechanism for small jurisdictions or community prevalent actor conflicts).

The bill functions as model legislation. Dual-track triggers in Sections 4 and 5 cover micro-jurisdictions such as Whitmore Lake (population approximately 7,584) and rural county-level conflict scenarios such as Barry County (population approximately 62,423). The Community Prevalent Actor provision in Section 3(b1) and Section 5a covers dominant institutional actors whose relationships permeate a jurisdiction. All criteria are measurable from public records.