

Name: Matthew Saxton

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Comment:

The Michigan Sheriffs' Association objects to the adoption of the proposed rule change. Please see the attached letter for further information as to our objection.



# MICHIGAN SHERIFFS' ASSOCIATION

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December 1, 2025

The Michigan Sheriffs' Association (MSA) is an entity that represents the collective interests of Michigan's 83 elected sheriffs. It serves its membership by various means inclusive of, but not limited to, making its voice heard on matters that affect public safety.

The Michigan Sheriffs' Association is opposed to the proposed amendments to Rule 8.115 of the Michigan Court Rules for the following reasons: 1. Federal law allows specified members of the Department of Homeland Security Immigration and Customs Enforcement (ICE) to authorize civil arrest warrants. The federal supremacy clause, U.S. Const. art. VI, cl. 2, pre-empts conflicting state actions that would encroach on the authority of the federal government, and the MSA believes that the proposed amendment would serve to create just such an encroachment. If the amended rule were to be adopted, it could put Michigan law enforcement officers, tasked with providing security operations to a court, in an untenable position of attempting to enforce the rule, while interfering with a federal officer in the performance of their duties. It is the federal government's contention that the Supremacy Clause immunizes ICE agents, when performing duties under the Immigration and Nationality Act, from state penalties associated with making "state-prohibited" arrests at a state courthouse. Michigan does not have a law that would provide similar immunization to a state or local officer that interfered with a federal law enforcement officer making a "non-judicially authorized arrest." Therefore, any Michigan police officer or sheriff's deputy that enforced the amended rule would be in legal jeopardy.

2. The adoption of the amendment would likely create a schism between local and federal law enforcement, causing a reluctance to share information, which could result in court security and public safety being compromised.

The MSA does not see this amended rule advances the cause of public safety, and it believes the enforcement of the rule would place Michigan's sheriff's deputies in legal jeopardy. Therefore, it objects to the proposed amendment to the current rule.

  
Sheriff Matthew M. Saxton (Ret.)  
CEO/Executive Director

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