

# HOUSE BILL No. 4104

February 7, 1989, Introduced by Rep. Perry Bullard and referred to the Committee on Judiciary.

A bill to amend sections 1, 2, 3, 4, 5, and 6 of Act No. 302 of the Public Acts of 1982, entitled

"An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; to provide for the promulgation of rules; and to repeal certain acts and parts of acts,"

section 3 as amended by Act No. 184 of the Public Acts of 1983, being sections 18.421, 18.422, 18.423, 18.424, 18.425, and 18.426 of the Michigan Compiled Laws; and to add section 9.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1, 2, 3, 4, 5, and 6 of Act No. 302 of  
2 the Public Acts of 1982, section 3 as amended by Act No. 184 of  
3 the Public Acts of 1983, being sections 18.421, 18.422, 18.423,  
4 18.424, 18.425, and 18.426 of the Michigan Compiled Laws, are  
5 amended and section 9 is added to read as follows:

1       Sec. 1. As used in this act:

2       (A) "ELIGIBLE ENTITY" MEANS A CITY, VILLAGE, TOWNSHIP,  
3 COUNTY, JUNIOR COLLEGE, COMMUNITY COLLEGE, STATE SUPPORTED COL-  
4 LEGE OR UNIVERSITY, OR THE DEPARTMENT OF STATE POLICE.

5       (B) ~~-(a)-~~ "Fund" means the Michigan justice training fund  
6 created in section ~~-4-~~ 5.

7       (C) "IN-SERVICE CRIMINAL JUSTICE TRAINING" MEANS A CRIMINAL  
8 JUSTICE EDUCATIONAL PROGRAM PRESENTED BY AN AGENCY OR ENTITY ELI-  
9 GIBLE TO RECEIVE FUNDS PURSUANT TO THIS ACT, OR PRESENTED BY A  
10 CONTRACTUAL SERVICE PROVIDER HIRED BY THE AGENCY OR ENTITY ELIGI-  
11 BLE TO RECEIVE FUNDS PURSUANT TO THIS ACT, WHICH IS DESIGNED AND  
12 INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL JUSTICE SERV-  
13 ICES BY ELIGIBLE EMPLOYEES OF THE AGENCY OR ENTITY.

14       (D) "PROFESSIONAL ASSOCIATION" MEANS A NATIONAL, STATE, OR  
15 LOCAL POLICE UNION, OR AN ASSOCIATION OR FRATERNAL ORGANIZATION  
16 OF POLICE OFFICERS, CORRECTIONAL OFFICERS, OR PROSECUTING  
17 ATTORNEYS.

18       (E) ~~-(b)-~~ "State or local agency" means ~~-an-~~ ANY OF THE  
19 FOLLOWING:

20       (i) AN agency, department, division, bureau, board, commis-  
21 sion, council, or authority of the state or of a city, village,  
22 township, or county. ~~-or-a-~~

23       (ii) A state supported college or university.

24       (iii) A COMMUNITY COLLEGE OR JUNIOR COLLEGE.

25       (iv) ANY AGENCY OR ENTITY OF THE JUDICIAL BRANCH OF GOVERN-  
26 MENT OF THIS STATE.

1        SEC. 2. (1) THE MICHIGAN JUSTICE TRAINING COMMISSION IS  
2        CREATED WITHIN THE DEPARTMENT OF MANAGEMENT AND BUDGET. THE  
3        COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

4        (a) The director of the department of state police or his or  
5        her representative.

6        (b) The director of the department of corrections or his or  
7        her representative.

8        (c) The president of the prosecuting attorneys' association  
9        of Michigan or his or her representative.

10       (d) The president of the Michigan sheriffs' association or  
11       his or her representative.

12       (e) The president of the Michigan association of chiefs of  
13       police or his or her representative.

14       (f) ~~One person~~ TWO PERSONS appointed by the governor ~~and~~  
15       WHO ARE PERSONS OTHER THAN POLICE OFFICERS IN ADMINISTRATIVE OR  
16       MANAGERIAL POSITIONS representing the interests of police offi-  
17       cers other than police officers in administrative or managerial  
18       positions.

19       (G) THE PRESIDENT OF THE MICHIGAN STATE POLICE TROOPERS  
20       ASSOCIATION OR HIS OR HER REPRESENTATIVE.

21       (H) THE PRESIDENT OF THE MICHIGAN FRATERNAL ORDER OF POLICE  
22       OR HIS OR HER REPRESENTATIVE.

23       (2) THE TERM OF OFFICE OF A MEMBER APPOINTED BY THE GOVERNOR  
24       SHALL BE 4 YEARS, EXCEPT AS FOLLOWS:

25       (A) THE TERM OF THE MEMBER REPRESENTING THE INTERESTS OF  
26       POLICE OFFICERS OTHER THAN POLICE OFFICERS IN ADMINISTRATIVE OR

1 MANAGERIAL POSITIONS ON THE EFFECTIVE DATE OF THE 1989 AMENDATORY  
2 ACT THAT ADDED THIS SUBSECTION SHALL EXPIRE DECEMBER 1, 1990.

3 (B) THE TERM OF THE INITIAL MEMBER REPRESENTING THE INTER-  
4 ESTS OF POLICE OFFICERS OTHER THAN POLICE OFFICERS IN ADMINISTRA-  
5 TIVE OR MANAGERIAL POSITIONS APPOINTED AFTER THE EFFECTIVE DATE  
6 OF THE 1989 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL  
7 EXPIRE DECEMBER 1, 1992.

8 (3) THE COMMISSION SHALL ELECT A CHAIRPERSON ANNUALLY FROM  
9 AMONG THE MEMBERS OF THE COMMISSION. A PERSON SHALL NOT SERVE  
10 MORE THAN 2 CONSECUTIVE YEARS AS CHAIRPERSON.

11 (4) ~~-(2)-~~ The members of the commission shall be reimbursed  
12 for actual expenses, including travel expenses, from the fund.  
13 MEMBERS OF THE COMMISSION SHALL NOT BE REIMBURSED FOR MEAL EXPEN-  
14 DITURES IN EXCESS OF THE PER DIEM MEAL EXPENDITURES AUTHORIZED  
15 FOR MEMBERS OF THE STATE CIVIL SERVICE.

16 (5) ~~-(3)-~~ The business which the commission may perform  
17 shall be conducted at a public meeting of the commission held in  
18 compliance with THE OPEN MEETINGS ACT, Act No. 267 of the Public  
19 Acts of 1976, as amended, being sections 15.261 to 15.275 of the  
20 Michigan Compiled Laws. Public notice of the time, date, and  
21 place of the meeting shall be given in the manner required by Act  
22 No. 267 of the Public Acts of 1976, as amended.

23 Sec. 3. The commission shall do all of the following, with  
24 the assistance of the ~~office of criminal justice~~ DEPARTMENT OF  
25 MANAGEMENT AND BUDGET:

26 (a) Annually distribute 60% of the fund to ~~-cities,~~  
27 ~~villages, townships, counties, junior colleges, community~~

1 ~~colleges, state supported colleges and universities, and the~~  
2 ~~department of state police,~~ ELIGIBLE ENTITIES not including the  
3 money in the fund pursuant to section 5(2). ~~A city, village,~~  
4 ~~township, county, junior college, community college, state sup-~~  
5 ~~ported college or university, or the department of state police-~~  
6 AN ELIGIBLE ENTITY receiving a distribution under this subdivi-  
7 sion shall expend the distribution only for the in-service crimi-  
8 nal justice training of its police officers. Money distributed  
9 to ~~a city, village, township, county, junior college, community~~  
10 ~~college, state supported college or university, or the department~~  
11 ~~of state police and unexpended~~ AN ELIGIBLE ENTITY WHICH IS NOT  
12 EXPENDED in the fiscal year of the distribution shall only be  
13 expended BY THE ELIGIBLE ENTITY for the in-service criminal jus-  
14 tice training of its police officers in future fiscal years.  
15 ~~Insofar as is possible, a~~ AN ELIGIBLE ENTITY RECEIVING A DIS-  
16 TRIBUTION PURSUANT TO THIS SUBDIVISION SHALL USE THE ENTIRE DIS-  
17 TRIBUTION FOR THE IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS  
18 POLICE OFFICERS WITHIN 2 YEARS AFTER RECEIVING THE DISTRIBUTION.  
19 IF THE ELIGIBLE ENTITY FAILS OR REFUSES TO USE THE ENTIRE DISTRI-  
20 BUTION FOR THE IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS POLICE  
21 OFFICERS WITHIN 2 YEARS AFTER RECEIVING THE DISTRIBUTION, THE  
22 ELIGIBLE ENTITY SHALL NOT BE ELIGIBLE TO RECEIVE ADDITIONAL DIS-  
23 TRIBUTIONS PURSUANT TO THIS SUBDIVISION UNTIL THE PRIOR DISTRI-  
24 TION IS USED FOR THE IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS  
25 POLICE OFFICERS. A distribution made under this subdivision  
26 shall serve as a supplement to, and not as a replacement for, the  
27 funds budgeted on October 12, 1982, by ~~a city, village,~~

1 ~~township, county, junior college, community college, state~~  
2 ~~supported college or university, or the department of state~~  
3 ~~police~~ AN ELIGIBLE ENTITY for the in-service criminal justice  
4 training of its police officers. The distribution shall be made  
5 ~~divided into~~ IN 2 semiannual ~~distributions~~ INSTALLMENTS on  
6 dates determined by the commission and shall be expended only for  
7 the direct costs of the in-service criminal justice training of  
8 police officers. ~~The funds distributed under this subdivision~~  
9 THE FUNDS shall be distributed on a per capita basis to ~~cities,~~  
10 ~~villages, townships, counties, junior colleges, community col-~~  
11 ~~leges, state supported colleges and universities, and the depart-~~  
12 ~~ment of state police~~ ELIGIBLE ENTITIES based upon the number of  
13 full-time EQUATED sworn police officers employed. EACH ELIGIBLE  
14 ENTITY SHALL RECEIVE A MINIMUM DISTRIBUTION OF \$500.00. FOR PUR-  
15 POSES OF THIS SUBDIVISION, THE NUMBER OF FULL-TIME EQUATED SWORN  
16 POLICE OFFICERS SHALL BE DETERMINED BY DIVIDING THE TOTAL NUMBER  
17 OF HOURS ACTUALLY WORKED BY SWORN POLICE OFFICERS IN THE ELIGIBLE  
18 ENTITY'S FISCAL YEAR BY THE NUMBER OF HOURS A FULL-TIME SWORN  
19 POLICE OFFICER WOULD HAVE WORKED IN THAT ENTITY'S FISCAL YEAR,  
20 ROUNDED DOWN TO THE NEAREST WHOLE NUMBER. FOR EACH YEAR, THE  
21 PERCENTAGE OF POLICE OFFICERS WHO PROVIDE DIRECT POLICE SERVICE  
22 RECEIVING TRAINING UNDER THIS ACT SHALL BE EQUAL TO OR GREATER  
23 THAN THE PERCENTAGE OF POLICE OFFICERS WHO ARE IN FULL-TIME  
24 ADMINISTRATIVE POSITIONS RECEIVING TRAINING UNDER THIS ACT.

25 (b) Annually distribute THROUGH A COMPETITIVE GRANT PROCESS  
26 the balance of the fund after making the distributions required  
27 in subdivisions (a) ~~, (c),~~ and ~~(e)~~ (D) and the expenditures

1 required under section ~~2(2)~~ 2(4). ~~to 1 or more junior~~  
2 ~~colleges, community colleges, or state~~ IN DISTRIBUTING MONEY  
3 FROM THE FUND, THE COMMISSION SHALL CONSIDER THE QUALITY AND COST  
4 EFFECTIVENESS OF THE TRAINING PROGRAMS OF APPLICANTS FOR FUNDS  
5 AND THE CRIMINAL JUSTICE NEEDS OF THIS STATE. MONEY SHALL NOT BE  
6 DISTRIBUTED UNDER THIS SUBDIVISION TO A PROFESSIONAL  
7 ASSOCIATION. GRANTS UNDER THIS SUBDIVISION SHALL BE DISTRIBUTED  
8 ONLY TO THE FOLLOWING:

9       (i) STATE or local agencies FOR THE PURPOSE OF providing  
10 in-service criminal justice training programs ~~for~~ TO employees  
11 of ~~the~~ THOSE state or local agencies. ~~Insofar as is possible,~~  
12 ~~a~~ A distribution made under this ~~subdivision~~ SUBPARAGRAPH  
13 shall serve as a supplement to, and not as a replacement for, the  
14 funds budgeted on October 12, 1982, by a ~~junior college, commu-~~  
15 ~~nity college, or~~ state or local agency for ~~the~~ in-service  
16 criminal justice training. ~~of its employees. In distributing~~  
17 ~~money from the fund, the commission shall consider the quality~~  
18 ~~and cost effectiveness of the training programs of applicants for~~  
19 ~~funds and the criminal justice needs of the state.~~

20       ~~(c) Until October 12, 1984, distribute to each district~~  
21 ~~control unit of the district court an amount sufficient to reim-~~  
22 ~~burse the district control unit for its reasonable expenses in~~  
23 ~~implementing section 907(13) of Act No. 300 of the Public Acts of~~  
24 ~~1949, as amended, being section 257.907 of the Michigan Compiled~~  
25 ~~Laws.~~

26       (ii) STATE OR LOCAL AGENCIES PROVIDING CRIMINAL JUSTICE  
27 TRAINING TO THE EMPLOYEES OR THE CONTRACTUAL SERVICE PROVIDERS OF

1 OTHER STATE OR LOCAL AGENCIES. A DISTRIBUTION MADE UNDER THIS  
2 SUBPARAGRAPH SHALL BE USED TO ENHANCE AND INCREASE, BUT NOT SUP-  
3 PLANT, THE AMOUNT OF LOCAL, FEDERAL, AND OTHER STATE FUNDS THAT,  
4 IN THE ABSENCE OF MONEY FROM THE MICHIGAN JUSTICE TRAINING FUND,  
5 ARE AVAILABLE FOR CRIMINAL JUSTICE TRAINING. AS USED IN THIS  
6 SUBPARAGRAPH, "CRIMINAL JUSTICE TRAINING" MEANS A CRIMINAL JUS-  
7 TICE EDUCATIONAL PROGRAM PRESENTED BY THE STATE OR LOCAL AGENCY  
8 OR BY A CONTRACTUAL SERVICE PROVIDER HIRED BY THE AGENCY WHICH IS  
9 DESIGNED AND INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL  
10 JUSTICE SERVICES BY EMPLOYEES OF STATE OR LOCAL AGENCIES, AND IS  
11 NOT REQUIRED MINIMUM BASIC TRAINING FOR POLICE OFFICERS OR INI-  
12 TIAL TRAINING FOR OTHER EMPLOYEES.

13 (C) ~~-(d)-~~ Promulgate rules pursuant to THE ADMINISTRATIVE  
14 PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969,  
15 as amended, being sections 24.201 to ~~-24.315-~~ 24.328 of the  
16 Michigan Compiled Laws, which prescribe the procedures by which  
17 the commission ~~-distributes-~~ SHALL DISTRIBUTE money from the  
18 fund.

19 (D) ~~-(e)-~~ Annually distribute an amount from the fund to the  
20 ~~-office of criminal justice-~~ DEPARTMENT OF MANAGEMENT AND BUDGET  
21 to cover the reasonable expenses of ~~-the office of criminal jus-~~  
22 ~~tice in-~~ providing staff services to the commission, AND TO COVER  
23 THE EXPENSE OF MAINTAINING A REGISTER OF AVAILABLE CRIMINAL JUS-  
24 TICE TRAINING PROGRAMS IN THIS STATE.

25 Sec. 4. (1) Distributions of money under this act shall not  
26 be expended for ~~-criminal-~~ ANY OF THE FOLLOWING:



1 (A) CRIMINAL justice training conducted by a training  
2 provider not based in ~~Michigan, or for costs of a~~ THIS STATE  
3 UNLESS THE TRAINING EVENT HAS FIRST BEEN APPROVED BY THE  
4 COMMISSION.

5 (B) CRIMINAL JUSTICE training ~~event~~ not located in  
6 ~~Michigan~~ THIS STATE, unless the training event has FIRST been  
7 ~~first~~ approved by the commission.

8 (C) CRIMINAL JUSTICE TRAINING IN ANOTHER COUNTRY.

9 (D) MEAL EXPENDITURES IN EXCESS OF THE PER DIEM MEAL EXPEN-  
10 DITURES AUTHORIZED FOR CIVIL SERVICE EMPLOYEES.

11 (2) THE COMMISSION SHALL NOT APPROVE ANY OUT-OF-STATE TRAIN-  
12 ING PROGRAM UNLESS THE ELIGIBLE ENTITY REQUESTING APPROVAL OF THE  
13 TRAINING PROGRAM HAS EXHAUSTED ALL REASONABLE EFFORTS TO LOCATE A  
14 SIMILAR TRAINING PROGRAM IN THIS STATE, AND THE COMMISSION IS  
15 SATISFIED THAT A SIMILAR TRAINING PROGRAM IS NOT AVAILABLE IN  
16 THIS STATE.

17 Sec. 5. (1) The Michigan justice training fund is created  
18 in the state treasury.

19 (2) Money in the fund which is not distributed in a fiscal  
20 year and which was to be distributed under section 3(b) shall  
21 remain in the fund for distribution in future fiscal years only  
22 for the purposes described in section 3(b).

23 (3) INVESTMENT EARNINGS FROM THE MICHIGAN JUSTICE TRAINING  
24 FUND ASSETS SHALL BE DEPOSITED IN THE MICHIGAN JUSTICE TRAINING  
25 FUND.

26 Sec. 6. ~~A city, village, township, county, or state or~~  
27 ~~local agency~~ EACH ELIGIBLE ENTITY AND STATE OR LOCAL AGENCY

1 receiving a distribution under this act shall report annually to  
2 the commission on the results of its training programs. EACH  
3 TRAINING PROGRAM FINANCED IN WHOLE OR IN PART BY A DISTRIBUTION  
4 FROM THE MICHIGAN JUSTICE TRAINING FUND SHALL BE SEPARATELY  
5 IDENTIFIED. The commission shall report annually to the appropri-  
6 ating committees of the legislature on the results of the expen-  
7 diture of the amount distributed.

8 SEC. 9. THE BOOKS, RECORDS, AND ACCOUNTS OF THE MICHIGAN  
9 JUSTICE TRAINING COMMISSION SHALL BE AUDITED BY THE AUDITOR GEN-  
10 ERAL EVERY 2 YEARS.