

HOUSE BILL No. 4550

April 10, 1989, Introduced by Reps. Joe Young, Jr., Hoffman, Bartnik, Perry Bullard, Muxlow and DeMars and referred to the Committee on State Affairs.

A bill to amend the title and sections 2, 3, 4, 6, 9, 10, 11, 12, and 14 of Act No. 203 of the Public Acts of 1965, entitled

"Michigan law enforcement officers training council act of 1965," sections 9 and 11 as amended by Act No. 15 of the Public Acts of 1985, being sections 28.602, 28.603, 28.604, 28.606, 28.609, 28.610, 28.611, 28.612, and 28.614 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 3, 4, 6, 9, 10, 11,
2 12, and 14 of Act No. 203 of the Public Acts of 1965, sections 9
3 and 11 as amended by Act No. 15 of the Public Acts of 1985, being
4 sections 28.602, 28.603, 28.604, 28.606, 28.609, 28.610, 28.611,
5 28.612, and 28.614 of the Michigan Compiled Laws, are amended to
6 read as follows:

TITLE

1

2 An act to provide for the creation of a law enforcement
3 officers training council ~~-, to provide for additional costs in~~
4 ~~criminal cases-~~ AND TO PRESCRIBE ITS POWERS AND DUTIES; TO PRE-
5 SCRIBE PENALTIES; and TO PROVIDE FOR the establishment of the law
6 enforcement officers training fund and allocations ~~therefrom-~~
7 FROM THE FUND to local agencies of government participating in a
8 police training program.

9 Sec. 2. As used in this act:

10 (a) "Council" means the law enforcement OFFICERS TRAINING
11 council CREATED IN SECTION 3.

12 (b) "Executive ~~secretary~~ DIRECTOR" means the executive
13 ~~secretary~~ DIRECTOR of the council.

14 (c) ~~"Police officer" or "law"~~ "LAW enforcement officer"
15 means a ~~member of a police force or other organization of a~~
16 ~~city, county, township, village or of the state, regularly~~
17 ~~employed as such and who is responsible for the prevention and~~
18 ~~detection of crime and the enforcement of the general criminal~~
19 ~~laws of this state, but shall not include any person serving as~~
20 ~~such solely by virtue of his occupying any other office or~~
21 ~~position-~~ PERSON APPOINTED OR EMPLOYED BY A LAW ENFORCEMENT
22 AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE WHO
23 IS RESPONSIBLE FOR THE ENFORCEMENT OF THE TRAFFIC OR CRIMINAL
24 LAWS OF THIS STATE.

25 Sec. 3. (1) There is created the law enforcement OFFICERS
26 TRAINING council to carry out the intent of this act. ~~and to~~

1 THE LAW ENFORCEMENT OFFICERS TRAINING COUNCIL SHALL consist of
2 ~~++~~ 14 members selected as follows:

3 (a) The attorney general, or his OR HER designated represen-
4 tative SHALL BE A PERMANENT MEMBER OF THE COUNCIL.

5 (b) The ~~commissioner~~ DIRECTOR OF THE DEPARTMENT of state
6 police, or his OR HER designated representative SHALL BE A PER-
7 MANENT MEMBER OF THE COUNCIL.

8 (c) Three members appointed ~~to the council~~ by the governor
9 from a list of 6 ~~active members~~ NAMES submitted by the Michigan
10 association of chiefs of police. ONE OF THE APPOINTED MEMBERS
11 SHALL BE FROM A CITY HAVING A POPULATION OF 1,000,000 OR MORE.

12 (d) Three members appointed ~~to the council~~ by the governor
13 from a list of 6 ~~active~~ law enforcement officials submitted by
14 the Michigan sheriffs association. ONE OF THE APPOINTED MEMBERS
15 SHALL BE FROM A COUNTY HAVING A POPULATION OF 2,000,000 OR MORE.

16 (e) One member appointed ~~to the council~~ by the governor
17 from a list of 3 names submitted by the fraternal order of the
18 police.

19 (f) One member appointed ~~to the council~~ by the governor
20 from a list of 3 names submitted by the ~~metropolitan club~~
21 DETROIT POLICE OFFICERS ASSOCIATION.

22 (g) One member appointed ~~to the council~~ by the governor
23 from a list of 3 names submitted by the Detroit police ~~officers~~
24 ~~associations~~ LIEUTENANT'S AND SERGEANT'S ASSOCIATION.

25 (H) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3
26 NAMES SUBMITTED BY THE MICHIGAN CRIMINAL JUSTICE EDUCATORS
27 ASSOCIATION. THE MEMBERS SHALL BE FROM AN INSTITUTION THAT

1. OPERATES A MICHIGAN LAW ENFORCEMENT OFFICERS TRAINING COUNCIL
2 APPROVED TRAINING FACILITY.

3 (I) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3
4 NAMES SUBMITTED BY THE WOMEN POLICE OF MICHIGAN.

5 (J) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3
6 NAMES SUBMITTED BY THE POLICE OFFICERS ASSOCIATION OF MICHIGAN.

7 (K) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3
8 NAMES SUBMITTED BY THE AFL-CIO.

9 (L) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3
10 NAMES SUBMITTED BY THE MICHIGAN STATE POLICE TROOPERS
11 ASSOCIATION.

12 (2) ~~(h)~~ All appointments made by the governor UNDER SUB-
13 SECTION (1) shall be subject to the advice and consent of the
14 senate. APPOINTMENTS MADE BY THE GOVERNOR ALSO SHALL REFLECT AS
15 MUCH AS POSSIBLE THE COMPOSITION OF THE LAW ENFORCEMENT COMMUNITY
16 BY RACE AND SEX.

17 Sec. 4. ~~All members~~ A MEMBER of the council OTHER THAN
18 THE ATTORNEY GENERAL OR THE DIRECTOR OF THE DEPARTMENT OF STATE
19 POLICE shall hold office for a term of 3 years. ~~, except that~~
20 ~~of the members first appointed from nominees submitted by the~~
21 ~~Michigan association of chiefs of police and the nominees submit-~~
22 ~~ted by the Michigan sheriffs association + shall be appointed~~
23 ~~for 3 years, + for 2 years, and + for + year.~~ A vacancy caused
24 by expiration of a term or termination of ~~his~~ AN official posi-
25 tion in law enforcement shall be filled in the same manner as the
26 original appointment. A ~~member~~ PERSON appointed to fill a
27 vacancy created other than by expiration of a term shall be

1 appointed for the unexpired term of the member ~~who he~~ THE
2 PERSON is to succeed in the same manner as the original
3 appointment. ~~Any~~ A member may be reappointed for additional
4 terms. A MEMBER SHALL MAINTAIN FULL MEMBERSHIP RIGHTS UNTIL A
5 REPLACEMENT IS APPOINTED.

6 Sec. 6. (1) The council shall meet not less than 4 times in
7 each year ~~at Lansing~~ and shall hold special meetings when
8 called by the chairperson or, in the absence of the chairperson,
9 by the vice-chairperson or when called by the chairperson upon
10 the written request of 5 members of the council. The council
11 shall establish its own procedures and requirements with respect
12 to quorum, place and conduct of its meeting, and other matters.

13 (2) The business ~~which~~ THAT the council may perform shall
14 be conducted at a public meeting of the council held in compli-
15 ance with THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts
16 of 1976, being sections 15.261 to 15.275 of the Michigan Compiled
17 Laws. Public notice of the time, date, and place of the meeting
18 shall be given in the manner required by Act ~~—~~ No. 267 of the
19 Public Acts of 1976.

20 Sec. 9. (1) The council shall ~~prepare and publish minimum~~
21 ~~employment standards with due consideration to varying factors~~
22 ~~and special requirements of local police agencies relative to~~ DO
23 ALL OF THE FOLLOWING:

24 (a) ~~Minimum~~ ESTABLISH MINIMUM EMPLOYMENT standards ~~of~~
25 ~~physical, educational, mental, and moral fitness which shall~~ TO
26 govern the ~~recruitment,~~ selection ~~,~~ and ~~appointment of~~
27 ~~police~~ TRAINING OF LAW ENFORCEMENT officers.

1 (b) ~~The approval of police training schools administered by~~
2 ~~a city, county, township, village, or corporation~~ APPROVE, DIS-
3 APPROVE, OR REVOKE THE APPROVAL OF A LAW ENFORCEMENT TRAINING
4 SCHOOL OPERATED BY OR FOR THE COUNCIL FOR THE SPECIFIC PURPOSE OF
5 TRAINING LAW ENFORCEMENT OFFICERS OR PERSONS FOR THE POSITION OF
6 A LAW ENFORCEMENT OFFICER. A CERTIFICATE MAY BE ISSUED TO AN
7 APPROVED LAW ENFORCEMENT TRAINING SCHOOL, BUT THE CERTIFICATE
8 SHALL REMAIN THE PROPERTY OF THE COUNCIL AND SHALL BE RETURNED TO
9 THE COUNCIL UPON REVOCATION.

10 (c) ~~Minimum courses of study, attendance requirements of at~~
11 ~~least 240 instructional hours, equipment, and facilities required~~
12 ~~at approved city, county, township, village, or corporation~~
13 ~~police training schools~~ ESTABLISH MINIMUM CURRICULUM REQUIRE-
14 MENTS FOR PREEMPLOYMENT AND BASIC COURSES OR PROGRAMS AT A LAW
15 ENFORCEMENT TRAINING SCHOOL OPERATED BY OR FOR THE COUNCIL, FOR
16 THE SPECIFIC PURPOSE OF TRAINING LAW ENFORCEMENT OFFICERS OR PER-
17 SONS FOR THE POSITION OF LAW ENFORCEMENT OFFICER.

18 (D) CERTIFY A PERSON AS BEING QUALIFIED UNDER THIS ACT TO BE
19 A LAW ENFORCEMENT OFFICER.

20 (E) PROMULGATE RULES FOR THE REVOCATION OF CERTIFICATES
21 ISSUED TO A LAW ENFORCEMENT OFFICER OR A LAW ENFORCEMENT TRAINING
22 SCHOOL UNDER THIS ACT, AND PROVIDE FOR A PROCESS OF APPEAL. THE
23 RULES SHALL BE PROMULGATED PURSUANT TO THE ADMINISTRATIVE PROCE-
24 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
25 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

26 (F) ~~(d)~~ The requirements ~~in~~ ESTABLISHED PURSUANT TO
27 subdivision (c) shall be waived if any of the following occur:

1 (i) The person has previously completed the mandatory
 2 training requirements and less than 1 year of police service, has
 3 voluntarily or involuntarily discontinued ~~his or her~~ work as a
 4 law enforcement officer, and is again employed within 1 year
 5 after discontinuing work as a police officer.

6 (ii) The person has served more than 1 year and less than
 7 ~~5~~ 7 years AS A LAW ENFORCEMENT OFFICER, has completed the man-
 8 datory training requirements, and takes employment ~~with another~~
 9 ~~police agency~~ AS A LAW ENFORCEMENT OFFICER within ~~18~~ 24 months
 10 ~~of~~ AFTER discontinued service.

11 (iii) The person has served ~~5~~ 7 years or more AS A LAW
 12 ENFORCEMENT OFFICER and takes employment ~~with another police~~
 13 ~~agency~~ AS A LAW ENFORCEMENT OFFICER within ~~2~~ 3 years ~~of~~
 14 AFTER discontinued service.

15 (iv) The person is a member of a sheriff's posse or police
 16 auxiliary temporarily engaged in the performance of his or her
 17 duties under the ~~direction of the sheriff or police department~~
 18 DIRECT SUPERVISION OF A CERTIFIED LAW ENFORCEMENT OFFICER.

19 (G) ~~(e) Minimum~~ CERTIFY A PERSON WHO MEETS THE qualifica-
 20 tions for ~~instructors at approved police training schools~~ A LAW
 21 ENFORCEMENT INSTRUCTOR.

22 (H) ~~(f) Minimum~~ ESTABLISH basic training requirements
 23 which regularly employed ~~police~~ LAW ENFORCEMENT officers,
 24 excluding sheriffs, shall complete before being eligible for
 25 employment.

26 (I) ~~(g) Categories~~ PROVIDE FOR CATEGORIES or
 27 classifications of advanced in-service training programs and

1 minimum courses of study and attendance requirements for these
2 categories or classifications.

3 (J) ~~(h) The establishment of~~ ESTABLISH subordinate
4 regional training centers in strategic geographic locations in
5 order to serve the greatest number of ~~police~~ LAW ENFORCEMENT
6 agencies that are unable to support their own training programs.

7 (K) ~~(i) Acceptance~~ PROMULGATE RULES GOVERNING THE
8 ACCEPTANCE of certified ~~basic police~~ LAW ENFORCEMENT training
9 and experience received in OTHER states ~~other than Michigan~~ in
10 fulfillment in whole or in part of the ~~minimum employment stan-~~
11 ~~dards prepared and published by the council~~ TRAINING REQUIRE-
12 MENTS FOR A LAW ENFORCEMENT OFFICER IN THIS STATE.

13 (2) Except as otherwise provided in this act, a regularly
14 employed person employed on or after January 1, 1977, as a member
15 of a ~~police force having a full-time officer~~ LAW ENFORCEMENT
16 AGENCY shall not be empowered to exercise ~~all~~ the authority of
17 a ~~peace~~ LAW ENFORCEMENT officer in this state, or employed in a
18 position ~~which~~ THAT is granted the authority of a ~~peace~~ LAW
19 ENFORCEMENT officer by ~~statute~~ LAW, unless the person has com-
20 plied with the minimum employment standards prepared and pub-
21 lished by the council pursuant to this section. Law enforcement
22 officers employed before January 1, 1977, may continue their
23 employment and participate in training programs on a voluntary or
24 assigned basis but failure to meet standards shall not be grounds
25 for dismissal of or termination of employment. A law enforcement
26 officer employed before January 1, 1977 who fails to meet the
27 minimum employment standards established pursuant to this section.

1 and who voluntarily or involuntarily discontinues ~~his or her~~
2 work as a law enforcement officer may be employed with a law
3 enforcement agency if that officer meets the requirements of sub-
4 section ~~(1)(d)(iii)~~ (1)(F)(iii).

5 (3) The council may establish an evaluation or testing pro-
6 cess, or both, for the purpose of granting a waiver of the manda-
7 tory training requirements to those law enforcement officers who
8 have been certified under this act and who discontinue employment
9 as a law enforcement officer for a period of time exceeding the
10 time prescribed in subsection ~~(1)(d)(i), (ii), or (iii)~~
11 (1)(F)(i), (ii), OR (iii).

12 (4) THE COUNCIL SHALL PROMULGATE RULES FOR THE ADMINISTRA-
13 TION OF THIS ACT, INCLUDING THE AUTHORITY TO REQUIRE THE SUBMIS-
14 SION OF RELEVANT INFORMATION BY ANY STATE, COUNTY, OR MUNICIPAL
15 AGENCY AND ANY OTHER PUBLIC OR PRIVATE AGENCY WITHIN THIS STATE
16 THAT APPOINTS OR EMPLOYS A LAW ENFORCEMENT OFFICER.

17 (5) A PERSON WHO ACCEPTS APPOINTMENT OR EMPLOYMENT AS A LAW
18 ENFORCEMENT OFFICER, OR A PERSON WHO APPOINTS OR EMPLOYS A PERSON
19 AS A LAW ENFORCEMENT OFFICER IN VIOLATION OF THIS SECTION OR A
20 RULE PROMULGATED BY THE COUNCIL PURSUANT TO THIS SECTION IS
21 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE
22 THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100.00 NOR MORE THAN
23 \$500.00, OR BOTH.

24 (6) THIS SECTION DOES NOT PRECLUDE AN APPOINTING OR EMPLOY-
25 ING LAW ENFORCEMENT AGENCY FROM ESTABLISHING QUALIFICATIONS AND
26 STANDARDS FOR HIRING OR TRAINING LAW ENFORCEMENT OFFICERS THAT
27 EXCEED THE MINIMUM STANDARDS SET BY THE COUNCIL, NOR DOES THIS

1 SECTION AFFECT A SHERIFF OR OTHER LAW ENFORCEMENT OFFICER ELECTED
2 UNDER THE PROVISIONS OF THE STATE CONSTITUTION OF 1963.

3 Sec. 10. The council may ~~enter~~ DO ANY OF THE FOLLOWING:

4 (A) ENTER into agreements with other agencies, colleges, and
5 universities to carry out the intent of this act.

6 (B) CONSULT AND COOPERATE WITH A COUNTY, CITY, VILLAGE,
7 TOWNSHIP, OR STATE AGENCY, OR WITH A COLLEGE, UNIVERSITY, JUNIOR
8 COLLEGE, OR OTHER INSTITUTION CONCERNING THE DEVELOPMENT OF A LAW
9 ENFORCEMENT OFFICER TRAINING SCHOOL, PROGRAM, OR COURSE OF
10 INSTRUCTION.

11 (C) CONTRACT WITH ANOTHER AGENCY, PUBLIC OR PRIVATE, OR A
12 PERSON, AS THE COUNCIL CONSIDERS NECESSARY, FOR SERVICES, FACILI-
13 TIES, STUDIES, AND REPORTS THAT THE COUNCIL MAY REQUIRE IN ORDER
14 TO COOPERATE WITH TOWNSHIP, VILLAGE, CITY, COUNTY, STATE, AND
15 FEDERAL LAW ENFORCEMENT AGENCIES IN TRAINING PROGRAMS.

16 (D) ENGAGE OR PARTICIPATE IN A RESEARCH PROJECT OR STUDY
17 THAT IS DESIGNED TO ESTABLISH AN EMPIRICAL DATA BASE FOR THE
18 IMPROVEMENT OF LAW ENFORCEMENT.

19 Sec. 11. The council may DO ANY OF THE FOLLOWING:

20 (a) Visit and inspect ~~a police training school, or examine~~
21 ~~the curriculum or training procedures of a police training~~
22 ~~school, for which application for approval has been made~~
23 INSTITUTIONS AND FACILITIES CONDUCTING COURSES FOR THE TRAINING
24 OF LAW ENFORCEMENT OFFICERS AND PERSONS FOR THE POSITION OF LAW
25 ENFORCEMENT OFFICER, AND CONDUCT INVESTIGATIONS AS NECESSARY TO
26 DETERMINE IF THE INSTITUTIONS AND FACILITIES ARE COMPLYING WITH
27 THIS ACT.

1 (b) ~~Issue certificates to police training schools~~
2 ~~qualifying under the rules of the council~~ VISIT AND INSPECT ALL
3 LAW ENFORCEMENT AGENCIES, PUBLIC OR PRIVATE, THAT APPOINT OR
4 EMPLOY A LAW ENFORCEMENT OFFICER AND CONDUCT INVESTIGATIONS AS
5 NECESSARY TO DETERMINE IF THE LAW ENFORCEMENT AGENCIES ARE COM-
6 PLYING WITH THIS ACT.

7 (c) ~~Authorize the issuance of certificates of graduation or~~
8 ~~diplomas by approved police training schools to police officers~~
9 ~~who have satisfactorily completed minimum courses of study~~
10 ESTABLISH AND CONDUCT AN EXAMINATION FOR LAW ENFORCEMENT OFFICER
11 CERTIFICATION.

12 (d) ~~Cooperate with state, federal, and local police agen-~~
13 ~~cies in establishing and conducting local or area schools, or~~
14 ~~regional training centers for instruction and training of police~~
15 ~~officers of this state, its cities, counties, townships, and~~
16 ~~villages~~ ISSUE A CERTIFICATE TO A LAW ENFORCEMENT OFFICER OR A
17 PERSON WHO SUCCESSFULLY COMPLETES THE PRESCRIBED COURSE OF STUDY
18 AT A COUNCIL-APPROVED LOCATION AND WHO PASSES THE EXAMINATION
19 CONDUCTED BY THE COUNCIL FOR LAW ENFORCEMENT OFFICER
20 CERTIFICATION.

21 (e) Make recommendations to the legislature on matters per-
22 taining to THE qualification and training of ~~police~~ LAW
23 ENFORCEMENT officers.

24 ~~(f) Establish preservice basic training programs at col-~~
25 ~~leges and universities which qualify under the rules of the~~
26 ~~council.~~

1 ~~(g) Require a state examination for police officer~~
2 ~~certification.~~

3 (F) ~~(h)~~ Issue a waiver of the mandatory training require-
4 ments ~~as provided for~~ PURSUANT TO THE EVALUATION OR TESTING
5 PROCESS ESTABLISHED under section 9(3) TO A LAW ENFORCEMENT OFFI-
6 CER WHO HAS BEEN CERTIFIED UNDER THIS ACT AND WHO DISCONTINUES
7 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER FOR A PERIOD OF TIME
8 EXCEEDING THE TIME PRESCRIBED IN SECTION 9(1)(F)(i), (ii), OR
9 (iii).

10 Sec. 12. There shall be an executive ~~secretary~~ DIRECTOR
11 of the council who shall be ~~appointed~~ SELECTED by the council
12 ~~, and who shall hold office during the pleasure of the council.~~
13 He PURSUANT TO CIVIL SERVICE REQUIREMENTS. THE EXECUTIVE
14 DIRECTOR shall perform ~~such~~ THE functions and duties ~~as may~~
15 ~~be~~ assigned ~~to him~~ by the council. ~~He shall receive compen-~~
16 ~~sation and reimbursement for expenses within the amounts avail-~~
17 ~~able therefor by appropriation.~~ THE EXECUTIVE DIRECTOR SHALL BE
18 A CLASSIFIED CIVIL SERVICE EMPLOYEE.

19 Sec. 14. ~~The amounts annually appropriated by the legisla-~~
20 ~~ture shall be paid by the state treasurer in accordance with the~~
21 ~~accounting laws of the state upon certification of the executive~~
22 ~~secretary of the council for the purpose of reimbursing an amount~~
23 ~~not to exceed the training costs incurred for each officer meet-~~
24 ~~ing the recruitment standards prescribed pursuant to this act~~
25 ~~during the period covered by the allocation, plus an amount not~~
26 ~~to exceed the necessary living expenses incurred by the officer~~
27 ~~which are necessitated by training requiring that he be away from~~

~~1 his residence overnight. If the moneys in the law enforcement~~
~~2 officers training fund to be appropriated by the legislature for~~
~~3 the training and living expenses are insufficient to allocate the~~
~~4 amount for training and living purposes, the amount shall be~~
~~5 reduced proportionately. An allocation~~ THE COUNCIL SHALL
6 PROMULGATE RULES GOVERNING THE FUNDING OF TRAINING OR LIVING
7 EXPENSES INCURRED BY THE STATE OR A POLITICAL SUBDIVISION OF THE
8 STATE, OR BY ANY OTHER PUBLIC INSTITUTION THAT CONTRACTS WITH THE
9 COUNCIL UNDER THIS ACT. THE RULES SHALL BE PROMULGATED PURSUANT
10 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
11 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE
12 MICHIGAN COMPILED LAWS.

13 (2) FUNDS shall not be ~~made~~ ALLOCATED to a training
14 agency, or to a city, county, township, ~~or~~ village, PUBLIC
15 INSTITUTION, or agency of the state ~~which~~ THAT has not,
16 throughout the period covered by the allocation, adhered to the
17 standards established by the council ~~as~~ applicable to ~~either~~
18 training or personnel, or both, FOR PERSONS recruited or trained
19 by the training agency, city, county, township, ~~or~~ village,
20 PUBLIC INSTITUTION, or agency of the state. ~~during this~~
21 ~~period.~~