

# HOUSE BILL No. 5898

June 21, 1990, Introduced by Reps. Profit, Martin, Harrison, Perry Bullard, Gubow, Murphy and Barns and referred to the Committee on Judiciary.

A bill to amend sections 1 and 3 of Act No. 302 of the Public Acts of 1982, entitled as amended

"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 this act on a specific date,"

as amended by Act No. 158 of the Public Acts of 1989, being sections 18.421 and 18.423 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1 and 3 of Act No. 302 of the Public  
2 Acts of 1982, as amended by Act No. 158 of the Public Acts of  
3 1989, being sections 18.421 and 18.423 of the Michigan Compiled  
4 Laws, are amended to read as follows:

5       Sec. 1. As used in this act:

6       (a) "Alcoholic liquor" means that term as defined in  
7 section 2 of the Michigan liquor control act, Act No. 8 of the

1 Public Acts of the Extra Session of 1933, being section 436.2 of  
2 the Michigan Compiled Laws.

3 (b) "Eligible entity" means a city, village, township,  
4 county, junior college, community college, state supported col-  
5 lege or university, or the department of state police. IF A LAW  
6 ENFORCEMENT AGENCY FAILS TO ADOPT A MODEL POLICY PURSUANT TO THE  
7 HIGH SPEED PURSUIT MODEL POLICY ACT, THE CITY, VILLAGE, TOWNSHIP,  
8 OR COUNTY HAVING JURISDICTION OVER THE LAW ENFORCEMENT AGENCY IS  
9 NOT AN ELIGIBLE ENTITY UNDER THIS ACT UNTIL THE LAW ENFORCEMENT  
10 AGENCY ADOPTS THE MODEL POLICY.

11 (c) "Fund" means the Michigan justice training fund created  
12 in section 5.

13 (d) "In-service criminal justice training" means a criminal  
14 justice educational program presented by an agency or entity eli-  
15 gible to receive funds pursuant to this act or by a contractual  
16 service provider hired by the agency or entity eligible to  
17 receive funds pursuant to this act, including a course or package  
18 of instruction provided to an eligible trainee for the payment of  
19 a fee or tuition, or education or training presented through the  
20 use of audio-visual materials, which program, education, or  
21 training is designed and intended to enhance the direct delivery  
22 of criminal justice services by eligible employees of the agency  
23 or entity.

24 (e) "MLEOTC certified police officer" means an individual  
25 certified as a police officer under the Michigan law enforcement  
26 officers training council act of 1965, Act No. 203 of the Public

1 Acts of 1965, being sections 28.601 to 28.616 of the Michigan  
2 Compiled Laws.

3 (f) "Professional association" means a national, state, or  
4 local police union, or an association or fraternal organization  
5 of police officers, correctional officers, or prosecuting  
6 attorneys.

7 (g) "State or local agency" means any of the following:

8 (i) An agency, department, division, bureau, board, commis-  
9 sion, council, or authority of the state or of a city, village,  
10 township, or county.

11 (ii) A state supported college or university.

12 (iii) A community college or junior college.

13 (iv) Any agency or entity of the judicial branch of govern-  
14 ment of this state.

15 Sec. 3. The commission shall do all of the following, with  
16 the assistance of the department of management and budget:

17 (a) Annually distribute 60% of the fund to eligible entities  
18 not including the money in the fund pursuant to section 5(2). An  
19 eligible entity receiving a distribution under this subdivision  
20 shall expend the distribution only for the in-service criminal  
21 justice training of its police officers. An eligible entity that  
22 uses money received under this subdivision shall maintain  
23 detailed records of the actual costs associated with the prepara-  
24 tion for, the administration of, and the actual conducting of the  
25 training program. Use of money received under this subdivision  
26 for the payment of unreasonable or duplicative costs, as  
27 determined by the commission, shall result in the forfeiture of

1 the money received by the eligible entity under this  
2 subdivision. Money distributed to an eligible entity ~~which~~  
3 THAT is not expended in the fiscal year of the distribution shall  
4 only be expended by the eligible entity for the in-service crimi-  
5 nal justice training of its police officers in future fiscal  
6 years. An eligible entity receiving a distribution pursuant to  
7 this subdivision shall use the entire distribution for the  
8 in-service criminal justice training of its police officers  
9 within 2 years after receiving the distribution. If the eligible  
10 entity fails or refuses to use the entire distribution for the  
11 in-service criminal justice training of its police officers  
12 within 2 years after receiving the distribution, the eligible  
13 entity shall not be eligible to receive additional distributions  
14 pursuant to this subdivision until the prior distribution is used  
15 for the in-service criminal justice training of its police  
16 officers. A distribution made under this subdivision shall serve  
17 as a supplement to, and not as a replacement for, the funds bud-  
18 geted on October 12, 1982, by an eligible entity for the  
19 in-service criminal justice training of its police officers. The  
20 distribution shall be made in 2 semiannual installments on dates  
21 determined by the commission and shall be expended only for the  
22 direct costs of the in-service criminal justice training of  
23 police officers. The funds shall be distributed on a per capita  
24 basis to eligible entities based upon the number of full-time  
25 equated sworn MLEOTC certified police officers employed. Each  
26 eligible entity shall receive a minimum distribution of \$500.00.  
27 For purposes of this subdivision, the number of full-time equated

1 sworn MLEOTC certified police officers shall be determined by  
2 dividing the total number of paid work hours actually worked by  
3 sworn MLEOTC certified police officers in the eligible entity's  
4 fiscal year by 2,080 hours, rounded down to the nearest whole  
5 number. For each year, the percentage of police officers who  
6 provide direct police service receiving training under this act  
7 shall be equal to or greater than the percentage of police offi-  
8 cers who are in full-time administrative positions receiving  
9 training under this act.

0 (b) Annually distribute through a competitive grant process  
1 the balance of the fund after making the distributions required  
2 in subdivisions (a) and (d) and the expenditures required under  
3 section 2(3). In distributing money from the fund, the commis-  
4 sion shall consider the quality and cost effectiveness of the  
5 training programs of applicants for funds and the criminal jus-  
6 tice needs of this state. Money shall not be distributed under  
7 this subdivision to a professional association. In distributing  
8 money from the fund, the commission shall attempt to provide  
9 equity in funding for training programs for prosecutors and  
10 assigned criminal defense counsel. A state or local agency that  
11 uses money received under this subdivision shall maintain  
12 detailed records of the actual costs associated with the prepara-  
13 tion for, the administration of, and the actual conducting of the  
14 training program. Use of money received under this subdivision  
15 for the payment of unreasonable or duplicative costs, as deter-  
16 mined by the auditor general or the commission, shall result in  
17 the forfeiture of the money received by the state or local agency

1 under this subdivision. Grants under this subdivision shall be  
2 distributed only to the following:

3       (i) State or local agencies for the purpose of providing  
4 in-service criminal justice training programs to employees of  
5 those state or local agencies. A LAW ENFORCEMENT AGENCY THAT  
6 FAILS TO ADOPT A MODEL POLICY PURSUANT TO THE HIGH SPEED PURSUIT  
7 MODEL POLICY ACT IS INELIGIBLE TO RECEIVE A DISTRIBUTION PURSUANT  
8 TO THIS SUBDIVISION UNTIL IT ADOPTS THE MODEL POLICY. A distribu-  
9 tion made under this subparagraph shall serve as a supplement to,  
10 and not as a replacement for, the funds budgeted on October 12,  
11 1982, by a state or local agency for in-service criminal justice  
12 training.

13       (ii) State or local agencies providing criminal justice  
14 training to the employees or the contractual service providers of  
15 other state or local agencies. A LAW ENFORCEMENT AGENCY THAT  
16 FAILS TO ADOPT A MODEL POLICY PURSUANT TO THE HIGH SPEED PURSUIT  
17 MODEL POLICY ACT IS INELIGIBLE TO RECEIVE A DISTRIBUTION PURSUANT  
18 TO THIS SUBDIVISION UNTIL IT ADOPTS THE MODEL POLICY. A distribu-  
19 tion made under this subparagraph shall be used to enhance and  
20 increase, but not supplant, the amount of local, federal, and  
21 other state funds that, in the absence of money from the Michigan  
22 justice training fund, are available for criminal justice  
23 training. As used in this subparagraph, "criminal justice  
24 training" means training ~~which~~ THAT is designed and intended to  
25 enhance the direct delivery of criminal justice services by  
26 employees of state or local agencies; ~~which~~ THAT is not  
27 required minimum basic training for police officers or initial

1 training for other employees; and ~~which~~ THAT is any of the  
2 following:

3 (A) A criminal justice educational program presented by the  
4 state or local agency or by a contractual training provider hired  
5 by the agency.

6 (B) A criminal justice course or package of instruction pro-  
7 vided to an eligible trainee for the payment of a fee or  
8 tuition.

9 (C) Self-education presented through the use of audio-visual  
10 materials.

11 (c) Promulgate rules pursuant to the administrative proce-  
12 dures act of 1969, Act No. 306 of the Public Acts of 1969, as  
13 amended, being sections 24.201 to 24.328 of the Michigan Compiled  
14 Laws, ~~which~~ THAT prescribe the procedures by which the commis-  
15 sion shall distribute money from the fund.

16 (d) Annually distribute an amount from the fund to the  
17 department of management and budget to cover the reasonable  
18 expenses of providing staff services to the commission, and to  
19 cover the expense of maintaining a register of available criminal  
20 justice training programs in this state.

21 Section 2. This amendatory act shall not take effect unless  
22 Senate Bill No. \_\_\_\_\_ or House Bill No. 5896 (request  
23 no. 05732'90 \*) of the 85th Legislature is enacted into law.