

HOUSE BILL NO. 5481

October 26, 2021, Introduced by Rep. Clements and referred to the Committee on Government Operations.

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," by amending the title and section 11 (MCL 28.611), the title as amended by 1998 PA 237 and section 11 as amended by 2017 PA 198, and by adding section 11a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to provide for the creation of the commission on law
3 enforcement standards; to prescribe its membership, powers, and
4 duties; to prescribe the reporting responsibilities of certain

1 state and local agencies; to provide for additional costs in
2 criminal cases; to provide for the establishment of the law
3 enforcement officers training fund; **to create certain programs and**
4 **funds; to allow the promulgation of rules;** and to provide for
5 disbursement of allocations from the law enforcement officers
6 training fund to local agencies of government participating in a
7 police training program.

8 Sec. 11. (1) The commission may do 1 or more of the following:

9 (a) Enter into agreements with colleges, universities,
10 governmental agencies, and private entities to carry out the intent
11 of this act.

12 (b) Issue certificates of approval to agency basic law
13 enforcement training academies, preservice college basic law
14 enforcement training academies, and regional basic law enforcement
15 training academies.

16 (c) Authorize issuance of certificates of graduation or
17 diplomas by agency basic law enforcement training academies,
18 preservice college basic law enforcement training academies, and
19 regional basic law enforcement training academies to students who
20 have satisfactorily completed minimum courses of study.

21 (d) Cooperate with state, federal, and local agencies to
22 approve programs of in-service instruction and training of law
23 enforcement officers of this state and of cities, counties,
24 townships, and villages.

25 (e) Make recommendations to the legislature on matters
26 pertaining to qualification and training of law enforcement
27 officers.

28 (f) Require a licensing examination.

29 (g) Establish a recognition of prior basic law enforcement

1 training and experience program.

2 (h) Establish and charge a fee to recover the cost of
3 screening, enrolling, evaluating, and testing individuals who are
4 not employed by a law enforcement agency, ~~which~~**that** must be
5 deposited in the law enforcement officers training fund created in
6 this section.

7 (i) Establish and charge a fee to recover the cost of issuing
8 licenses to persons licensed under this act, ~~which~~**that** must be
9 deposited in the law enforcement officers training fund created in
10 this section.

11 **(j) Create, implement, and administer the public service**
12 **assistants grant program created under section 11a.**

13 (2) The commission may promulgate rules with respect to any of
14 the following:

15 (a) In-service training programs and minimum courses of study
16 and attendance requirements for licensed law enforcement officers.

17 (b) The establishment and approval of agency basic law
18 enforcement training academies, preservice college basic law
19 enforcement training academies, and regional basic law enforcement
20 training academies.

21 (c) The minimum qualifications for instructors for approved
22 agency basic law enforcement training academies, preservice college
23 basic law enforcement training academies, and regional basic law
24 enforcement training academies.

25 (d) The minimum facilities and equipment for agency basic law
26 enforcement training academies, preservice college basic law
27 enforcement training academies, and regional basic law enforcement
28 training academies.

29 (e) Minimum standards and procedures for reserve officers.

1 (3) The commission shall require an individual seeking
2 admission to a preservice college basic law enforcement training
3 academy or a regional basic law enforcement training academy or the
4 recognition of prior basic law enforcement training and experience
5 program to submit his or her fingerprints to the department of
6 state police for the purpose of conducting a criminal history
7 record information check. The department of state police may charge
8 a fee for conducting a criminal history record information check.
9 The individual shall submit his or her fingerprints to the
10 department of state police in a manner prescribed by the department
11 of state police.

12 (4) The department of state police shall conduct a criminal
13 history record information check on each individual described under
14 subsection (3) through its own records and through the Federal
15 Bureau of Investigation. After the completion of each criminal
16 history record information check, the department of state police
17 shall provide the criminal history record information to the
18 commission.

19 (5) The department of state police shall store and retain
20 fingerprints submitted under this section in an automated
21 fingerprint identification system that provides for an automatic
22 notification if subsequent criminal history record information
23 matches fingerprints previously submitted under this section. Upon
24 receiving a notification under this subsection, the department of
25 state police shall forward that notification to the commission.

26 (6) The department of state police shall forward the
27 fingerprints submitted under this section to the Federal Bureau of
28 Investigation to be retained in the Federal Bureau of
29 Investigation's next generation identification system and

1 integrated automated fingerprint identification system that
2 provides for automatic notification if subsequent criminal history
3 record information matches fingerprints previously submitted to the
4 Federal Bureau of Investigation under this subsection. Upon
5 receiving a notification from the Federal Bureau of Investigation
6 under this subsection, the department of state police shall forward
7 that notification to the commission. The fingerprints retained
8 under this subsection may be searched by using future submissions
9 to those systems, including, but not limited to, latent fingerprint
10 searches, with appropriate responses sent to the submitting and
11 subscribing entities. This subsection does not apply unless the
12 department of state police is capable of participating in the
13 Federal Bureau of Investigation's next generation identification
14 system and integrated automated fingerprint identification system.

15 (7) The law enforcement officers training fund is created
16 within the state treasury.

17 (8) The state treasurer may receive money or other assets from
18 any source for deposit into the fund. The state treasurer shall
19 direct investment of the fund. The state treasurer shall credit to
20 the fund interest and earnings from fund investments.

21 (9) Money in the fund at the close of the fiscal year ~~shall~~
22 **must** remain in the fund, ~~shall~~**must** not lapse into the general
23 fund, and may be used by the commission, upon appropriation, in
24 future fiscal years as prescribed in this section.

25 (10) The commission shall be the administrator of the fund for
26 auditing purposes.

27 (11) The commission shall expend money from the fund, upon
28 appropriation, to carry out its responsibilities under this act.

29 **Sec. 11a. (1) Not later than 30 days after the effective date**

1 of the amendatory act that added this section, the commission shall
2 create, implement, and administer a grant program to award grants
3 to law enforcement agencies for the purpose of hiring public
4 service assistants. Grants awarded pursuant to this subsection must
5 be used to establish a new program or expand a program operated by
6 a law enforcement agency for the purpose of hiring public service
7 assistants. Grants must not be awarded to fill previously vacant
8 positions for public service assistants within an existing program
9 previously operated by a law enforcement agency.

10 (2) To be eligible for a grant under subsection (1), a law
11 enforcement agency must comply with the commission's application
12 process.

13 (3) The commission shall provide the grants on a first-come,
14 first-served basis to eligible law enforcement agencies for the
15 purpose described in subsection (1).

16 (4) The public service assistants fund is created as a
17 separate fund in the department of treasury. The commission shall
18 be the administrator of the fund for auditing purposes.

19 (5) The state treasurer may receive money or other assets from
20 any source for deposit into the fund. The state treasurer shall
21 credit to the fund money appropriated to the fund. The state
22 treasurer shall direct the investment of the fund and shall credit
23 to the fund interest and earnings from fund investments.

24 (6) The commission shall expend money from the fund to carry
25 out the purpose of this section and shall not expend money from the
26 fund for any other purpose.

27 (7) Money remaining in the fund at the close of the fiscal
28 year must remain in the fund and must not lapse to the general
29 fund.

1 (8) The commission may promulgate rules and procedures to
2 implement this act in accordance with the administrative procedures
3 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, including, but not
4 limited to, rules and procedures governing the grant application
5 and disbursement process, and the method for establishing
6 eligibility.

7 (9) As used in this section:

8 (a) "Fund" means the public service assistants fund created in
9 subsection (4).

10 (b) "Grant program" means the public service assistants grant
11 program created in subsection (1).

12 (c) "Public service assistant" means a specially trained,
13 unarmed, and part-time employee of a law enforcement agency with no
14 arrest or criminal enforcement powers.