

HOUSE BILL NO. 6362

August 17, 2022, Introduced by Rep. Yaroch and referred to the Committee on Transportation.

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending section 2 (MCL 28.602), as amended by 2021 PA 42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Adjudication of guilt" means any of the following:
- 3 (i) Entry of a judgment or verdict of guilty, or guilty but
- 4 mentally ill, following a trial.
- 5 (ii) Entry of a plea of guilty or nolo contendere.
- 6 (iii) Entry of any of the adjudications specified in

1 subparagraph (i) or (ii), in conjunction with an order entered under
2 section 1 of chapter XI of the code of criminal procedure, 1927 PA
3 175, MCL 771.1, or any other order delaying sentence.

4 (iv) Entry of any of the adjudications specified in
5 subparagraph (i) or (ii), in conjunction with an assignment to the
6 status of youthful trainee under the Holmes youthful trainee act,
7 as provided in section 11 of chapter II of the code of criminal
8 procedure, 1927 PA 175, MCL 762.11.

9 (v) Entry of any of the adjudications specified in
10 subparagraph (i) or (ii), in conjunction with probation under section
11 7411 of the public health code, 1978 PA 368, MCL 333.7411.

12 (vi) Entry of any of the adjudications specified in
13 subparagraph (i) or (ii), in conjunction with probation under section
14 4a of chapter IX of the code of criminal procedure, 1927 PA 175,
15 MCL 769.4a.

16 (b) "Commission" means the Michigan commission on law
17 enforcement standards created in this act or, by express delegation
18 of the Michigan commission on law enforcement standards, its
19 executive director and staff.

20 (c) "Contested case" means that term as defined in section 3
21 of the administrative procedures act of 1969, 1969 PA 306, MCL
22 24.203.

23 (d) "Executive director" means the executive director of the
24 commission appointed under this act.

25 (e) "Law enforcement agency" means an entity that is
26 established and maintained in accordance with the laws of this
27 state and is authorized by the laws of this state to appoint or
28 employ law enforcement officers. Law enforcement agency includes a
29 public body corporate that satisfies both of the following

1 conditions:

2 (i) Is established and maintained as a separate legal entity
3 pursuant to an interlocal agreement under the urban cooperation act
4 of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, between a
5 city that is authorized by the laws of this state to appoint or
6 employ law enforcement officers and an authority under the
7 metropolitan transportation authorities act of 1967, 1967 PA 204,
8 MCL 124.401 to 124.426.

9 (ii) Is authorized by the laws of this state to appoint or
10 employ law enforcement officers.

11 (f) "Law enforcement officer" means:

12 (i) Except as provided in subparagraph (ii), an individual
13 employed by a law enforcement agency as 1 or more of the following:

14 (A) An individual authorized by law, including common law, to
15 prevent and detect crime and enforce the general criminal laws of
16 this state. This subdivision does not include an individual
17 employed solely because he or she occupies any other office or
18 position.

19 (B) An individual employed as a Michigan tribal law
20 enforcement officer by a federally recognized Indian tribe that has
21 trust lands located within this state, subject to a written
22 instrument authorizing the individual to enforce the laws of this
23 state.

24 (C) The sergeant at arms or any assistant sergeant at arms of
25 either house of the legislature who is commissioned as a police
26 officer by that respective house of the legislature as provided by
27 the legislative sergeant at arms police powers act, 2001 PA 185,
28 MCL 4.381 to 4.382.

29 (D) A law enforcement officer of a law enforcement agency

1 created by a public body under section 3 of the public body law
2 enforcement agency act, 2004 PA 378, MCL 28.583.

3 (E) A county prosecuting attorney's investigator sworn and
4 fully empowered by the sheriff of that county as provided under
5 article VII of the state constitution of 1963 and section 70 of
6 1846 RS 14, MCL 51.70.

7 (F) A fire arson investigator from a fire department within a
8 village, city, township, or county who is sworn and fully empowered
9 by the chief of police of that village, city, township, or county.

10 (G) Officers and investigators appointed by state departments
11 represented on the Michigan highway reciprocity board as provided
12 under section 15 of 1960 PA 124, MCL 3.175.

13 (H) A superintendent, watchperson, or guard appointed or
14 chosen as provided under sections 1 and 3 of 1905 PA 80, MCL 19.141
15 and 19.143.

16 (I) A commissioner or officer of the department of state
17 police as described under section 6 of 1935 PA 59, MCL 28.6.

18 (J) A conservation officer appointed by the department of
19 state police as provided under section 6a of 1935 PA 59, MCL 28.6a.

20 (K) A general law township constable elected or appointed to
21 perform both statutory criminal and civil duties as provided under
22 section 82 of 1846 RS 16, MCL 41.82.

23 (L) An officer appointed to a general law township police
24 department as provided under section 6 of 1951 PA 33, MCL 41.806.

25 (M) A marshal, policeman, watchman, or officer appointed to a
26 charter township police force as provided under section 12 of the
27 charter township act, 1947 PA 359, MCL 42.12.

28 (N) A park ranger appointed by a county or regional parks and
29 recreation commission as provided under section 14 of 1965 PA 261,

1 MCL 46.364.

2 (O) A sheriff elected as provided under section 4 of article
3 VII of the state constitution of 1963 or appointed as provided
4 under section 11 of article V of the state constitution of 1963.

5 (P) An undersheriff or deputy sheriff appointed as provided
6 under section 70 of 1846 RS 14, MCL 51.70.

7 (Q) A police officer appointed by a general law village as
8 provided under section 13 of the general law village act, 1895 PA
9 3, MCL 70.13.

10 (R) A police officer of a home rule village with the authority
11 described in sections 22 and 22b of the home rule village act, 1909
12 PA 278, MCL 78.22 and 78.22b.

13 (S) A marshal serving as chief of police of a fourth class
14 city as provided under section 16 of chapter VII of the fourth
15 class city act, 1895 PA 215, MCL 87.16.

16 (T) A constable of a fourth class city as authorized under
17 section 24 of chapter VII of the fourth class city act, 1895 PA
18 215, MCL 87.24.

19 (U) A police chief, policeman, or night watchman appointed
20 under section 1 of chapter XII of the fourth class city act, 1895
21 PA 215, MCL 92.1.

22 (V) A police officer or constable as authorized under sections
23 3 and 32 to 34a of the home rule city act, 1909 PA 279, MCL 117.3
24 and 117.32 to 117.34a.

25 (W) An airport law enforcement officer, guard, or police
26 officer appointed by a public airport authority as provided under
27 section 116 of the aeronautics code of the state of Michigan, 1945
28 PA 327, MCL 259.116.

29 (X) A conservation officer appointed by the director of the

1 department of natural resources as provided under section 1 of 1986
2 PA 109, MCL 300.21, and as authorized under sections 1501, 1601,
3 and 1606(1) of the natural resources and environmental protection
4 act, 1994 PA 451, MCL 324.1501, 324.1601, and 324.1606.

5 (Y) A public safety officer granted law enforcement officer
6 authority and employed by a department of public safety established
7 under section 1606b of the revised school code, 1976 PA 451, MCL
8 380.1606b.

9 (Z) A public safety officer authorized by a community college
10 as provided under section 128 of the community college act of 1966,
11 1966 PA 331, MCL 389.128.

12 (AA) A public safety officer of a public safety department
13 established by the board of control of Saginaw Valley State
14 University as provided under section 5a of 1965 PA 278, MCL
15 390.715a.

16 (BB) A public safety officer of a higher education institution
17 authorized under section 1 of 1990 PA 120, MCL 390.1511.

18 (CC) An investigator appointed by the attorney general as
19 provided under section 10 of the Medicaid false claim act, 1977 PA
20 72, MCL 400.610.

21 (DD) An investigator appointed by the attorney general under
22 section 35 of 1846 RS 12, MCL 14.35, as described in the opinion of
23 the attorney general, OAG, 1977 No. 5236 (October 20, 1977).

24 (EE) An investigator appointed by the attorney general as
25 provided under section 8 of the health care false claim act, 1984
26 PA 323, MCL 752.1008.

27 (FF) A railroad police officer appointed, commissioned, and
28 acting as provided under section 367 of the railroad code of 1993,
29 1993 PA 354, MCL 462.367.

1 (GG) An inspector appointed under section 13 of article V of
2 the motor carrier act, 1933 PA 254, MCL 479.13.

3 (HH) A law enforcement officer licensed under this act whose
4 duties are performed in conjunction with a joinder of 2 or more
5 municipal corporations under 1951 PA 35, MCL 124.1 to 124.13.

6 (II) A law enforcement officer licensed under this act whose
7 duties are performed in conjunction with an interlocal agreement
8 entered into under the urban cooperation act of 1967, 1967 (Ex
9 Sess) PA 7, MCL 124.501 to 124.512.

10 (JJ) A law enforcement officer licensed under this act whose
11 duties are performed in conjunction with a transfer of functions or
12 responsibilities under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

13 (KK) A law enforcement officer licensed under this act whose
14 duties have been transferred to an authority and who is given a
15 comparable position of employment with that authority as provided
16 under 1988 PA 57, MCL 124.601 to 124.614.

17 (LL) A private college security officer appointed under
18 section 37 of the private security business and security alarm act,
19 1968 PA 330, MCL 338.1087, who is licensed under section 9d.

20 (MM) A transit police officer employed by a public body
21 corporate created pursuant to an interlocal agreement under the
22 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
23 124.512, between a city and an authority under the metropolitan
24 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
25 124.426.

26 (ii) "Law enforcement officer" does not include any of the
27 following:

28 (A) An individual authorized to issue citations as a volunteer
29 as provided under section 675d of the Michigan vehicle code, 1949

1 PA 300, MCL 257.675d.

2 (B) A security employee authorized by the director of the
3 department of state police as provided under section 6c of 1935 PA
4 59, MCL 28.6c.

5 (C) A motor carrier enforcement officer appointed under
6 section 6d of 1935 PA 59, MCL 28.6d, as qualified under section 5
7 of 1956 PA 62, MCL 257.955, or as authorized under section 73 of
8 the pupil transportation act, 1990 PA 187, MCL 257.1873.

9 (D) The director of the department of agriculture and rural
10 development or his or her representative granted peace officer
11 authority as provided in section 9h of the motor fuels quality act,
12 1984 PA 44, MCL 290.649h.

13 (E) An agent employed and authorized under section 27 of the
14 private security business and security alarm act, 1968 PA 330, MCL
15 338.1077.

16 (F) An attendance officer granted the powers of a deputy
17 sheriff as provided in section 1571 of the revised school code,
18 1976 PA 451, MCL 380.1571.

19 (G) A park and recreation officer commissioned under section
20 1606(2) of the natural resources and environmental protection act,
21 1994 PA 451, MCL 324.1606.

22 (H) A volunteer conservation officer appointed by the
23 department of natural resources under section 1607 of the natural
24 resources and environmental protection act, 1994 PA 451, MCL
25 324.1607.

26 (I) A state forest officer commissioned under section 83107 of
27 the natural resources and environmental protection act, 1994 PA
28 451, MCL 324.83107.

29 (J) A special deputy appointed under section 70 of 1846 RS 14,

1 MCL 51.70.

2 (K) A limited enforcement officer appointed to conduct salvage
3 vehicle inspections under section 217c of the Michigan vehicle
4 code, 1949 PA 300, MCL 257.217c, who is not otherwise employed as a
5 law enforcement officer.

6 (L) A private security guard or private security police
7 officer licensed under the private security business and security
8 alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, or a private
9 college security officer authorized under section 37 of the private
10 security business and security alarm act, 1968 PA 330, MCL
11 338.1087, who is not licensed under section 9d.

12 (M) The attorney general.

13 (N) The secretary of state.

14 (O) A member of a sheriff's posse.

15 (P) A reserve officer.

16 (Q) An officer or investigator of the department of state
17 designated under section 213 of the Michigan vehicle code, 1949 PA
18 300, MCL 257.213.

19 (R) An authorized agent of the state transportation department
20 or a county road commission performing duties described under
21 section 724 of the Michigan vehicle code, 1949 PA 300, MCL 257.724.

22 (S) An ~~enforcement~~**inspection** officer of the aeronautics
23 commission authorized under section 55 of the aeronautics code of
24 the state of Michigan, 1945 PA 327, MCL 259.55.

25 (T) A railroad conductor acting under section 3 of 1913 PA 68,
26 MCL 436.203.

27 (U) An inspector authorized to enforce the Michigan liquor
28 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and
29 rules promulgated by the liquor control commission, under section

1 201 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
2 436.1201.

3 (V) An individual not licensed under this act whose law
4 enforcement duties are performed in conjunction with a joinder of 2
5 or more municipal corporations under 1951 PA 35, MCL 124.1 to
6 124.13.

7 (W) An individual not licensed under this act whose law
8 enforcement duties are performed in conjunction with an interlocal
9 agreement entered into under the urban cooperation act of 1967,
10 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

11 (X) An individual not licensed under this act whose law
12 enforcement duties are performed in conjunction with a transfer of
13 functions or responsibilities under 1967 (Ex Sess) PA 8, MCL
14 124.531 to 124.536.

15 (Y) An individual not licensed under this act whose law
16 enforcement duties have been transferred to an authority and who is
17 given a comparable position of employment with that authority as
18 provided under 1988 PA 57, MCL 124.601 to 124.614.

19 (Z) A marshal appointed under section 11 of 1889 PA 39, MCL
20 455.61, or section 15 of 1929 PA 137, MCL 455.215.

21 (g) "Law enforcement training academy" means any of the
22 following:

23 (i) An agency basic law enforcement training academy.

24 (ii) A preservice college basic law enforcement training
25 academy.

26 (iii) A regional basic law enforcement training academy.

27 (h) "License" means documentation of licensure by the
28 commission under this act. License includes a certificate issued
29 under this act before January 2, 2017.

1 (i) "Licensing standards" means the requirements with which a
2 person must comply for licensure as a law enforcement officer under
3 this act.

4 (j) "Licensure" means a determination by the commission that
5 both of the following occurred in compliance with this act and
6 rules promulgated under this act:

7 (i) The person to whom the license is issued commenced
8 employment as a law enforcement officer, subject to a written oath
9 of office or other written instrument conferring law enforcement
10 authority.

11 (ii) The law enforcement agency employing the individual, or
12 the law enforcement agency or other governmental agency conferring
13 law enforcement authority upon the individual, attested to the
14 commission that the individual complied with the licensing
15 standards.

16 (k) "Michigan tribal law enforcement officer" means an
17 individual employed as a law enforcement officer by a federally
18 recognized Indian tribe that has trust lands located within this
19 state, subject to a written instrument authorizing the individual
20 to enforce the laws of this state.

21 (l) "Rule" means a rule promulgated under the administrative
22 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 6361(request no.
25 01192'21) of the 101st Legislature is enacted into law.