



HOUSE BILL No. 6016

September 27, 2000, Introduced by Rep. Julian and referred to the Committee on House Oversight and Operations.

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending sections 2 and 9a (MCL 28.602 and 28.609a), section 2
as amended and section 9a as added by 1998 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Certificate" means a numbered document issued by the
3 commission to a person who has received certification under this
4 act.

5 (b) "Certification" means either of the following:

6 (i) A determination by the commission that a person meets
7 the law enforcement officer minimum standards to be employed as a
8 commission certified law enforcement officer and that the person
9 is authorized under this act to be employed as a law enforcement
10 officer.

1 (ii) A determination by the commission that a person was
2 employed as a law enforcement officer before January 1, 1977 and
3 that the person is authorized under this act to be employed as a
4 law enforcement officer.

5 (c) "Commission" means the commission on law enforcement
6 standards created in section 3.

7 (d) "Contested case" means that term as defined in section 3
8 of the administrative procedures act of 1969, 1969 PA 306,
9 MCL 24.203.

10 (e) "Executive director" means the executive director of the
11 commission appointed under section 12.

12 (f) "Felony" means a violation of a penal law of this state
13 or another state that is either of the following:

14 (i) Punishable by a term of imprisonment greater than 1
15 year.

16 (ii) Expressly designated a felony by statute.

17 (g) "Fund" means the law enforcement officers training fund
18 created in section 13.

19 (h) "Law enforcement officer minimum standards" means stan-
20 dards established by the commission under this act that a person
21 must meet to be eligible for certification under section 9a(1).

22 (i) "Law enforcement officer of a Michigan Indian tribal
23 police force" means a regularly employed member of a police force
24 of a Michigan Indian tribe who is appointed pursuant to 25
25 C.F.R. 12.100 to 12.103.

26 (j) "Michigan Indian tribe" means a federally recognized
27 Indian tribe that has trust lands located within this state.

1 (k) "Police officer" or "law enforcement officer" means,
2 unless the context requires otherwise, ~~either~~ ANY of the
3 following:

4 (i) A regularly employed member of a police force or other
5 organization of a city, county, township, or village, of the
6 state, or of a state university or community college who is
7 responsible for the prevention and detection of crime and the
8 enforcement of the general criminal laws of this state. Police
9 officer or law enforcement officer does not include a person
10 serving solely because he or she occupies any other office or
11 position.

12 (ii) A law enforcement officer of a Michigan Indian tribal
13 police force, subject to the limitations set forth in
14 section 9(3).

15 (iii) THE SERGEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS
16 OF EITHER HOUSE OF THE LEGISLATURE WHO IS COMMISSIONED AS A
17 POLICE OFFICER BY THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS
18 PROVIDED BY LAW.

19 (l) "Rule" means a rule promulgated pursuant to the adminis-
20 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
21 24.328.

22 Sec. 9a. (1) The commission shall grant certification to a
23 person who meets the law enforcement officer minimum standards at
24 the time he or she is employed as a law enforcement officer.

25 (2) The commission shall grant certification to a person who
26 was employed as a law enforcement officer before January 1, 1977
27 and who fails to meet the law enforcement officer minimum

1 standards if the person is authorized to be employed as a law
2 enforcement officer under section 9.

3 (3) The commission shall grant certification to an elected
4 sheriff, which certification shall remain valid only while that
5 sheriff is in office.

6 (4) IF AN INDIVIDUAL EMPLOYED AS THE SERGEANT AT ARMS OR AN
7 ASSISTANT SERGEANT AT ARMS OF EITHER HOUSE OF THE LEGISLATURE ON
8 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSEC-
9 TION IS COMMISSIONED AS A POLICE OFFICER BY THE SENATE OR THE
10 HOUSE OF REPRESENTATIVES WITHIN 2 YEARS AFTER THE EFFECTIVE DATE
11 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION
12 SHALL GRANT THE INDIVIDUAL CERTIFICATION UNDER THIS ACT.

13 (5) ~~-(4)-~~ Certification granted to a person under this act
14 is valid until either of the following occurs:

15 (a) The certification is revoked.

16 (b) The certification becomes void because the person dis-
17 continues his or her employment as a commission certified law
18 enforcement officer.

19 (6) ~~-(5)-~~ The commission shall issue a certificate to a
20 person who has received certification. A certificate issued to a
21 person remains the property of the commission.

22 (7) ~~-(6)-~~ Upon request of the commission, a person whose
23 certification is revoked, or becomes void because the person dis-
24 continues his or her employment as a commission certified law
25 enforcement officer, shall return to the commission the certifi-
26 cate issued to the person. A violation of this subsection is a

1 misdemeanor, punishable by imprisonment for 90 days, a fine of
2 not more than \$500.00, or both.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill No. 6017
5 (request no. 05866'00) of the 90th Legislature is enacted into
6 law.