

# HOUSE BILL No. 4693

May 1, 2001, Introduced by Reps. Julian, Hager, Caul, Ehardt, Raczkowski, Allen, Birkholz, Kolb, Richardville, Mead and Basham and referred to the Committee on Criminal Justice.

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 9 and 13 (MCL 28.609 and 28.613), section 9 as amended by 1998 PA 237.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 9. (1) The commission shall promulgate rules to estab-  
2       lish law enforcement officer minimum standards AND OTHER STAN-  
3       DARDS AS PRESCRIBED BY THIS SECTION. In promulgating the law  
4       enforcement officer minimum standards, the commission shall give  
5       consideration to the varying factors and special requirements of  
6       local police agencies. The law enforcement officer minimum stan-  
7       dards shall include all of the following:

8       (a) Minimum standards of physical, educational, mental, and  
9       moral fitness that govern the recruitment, selection,  
10      appointment, and certification of law enforcement officers.

1 (b) Minimum courses of study, attendance requirements, and  
2 instructional hours required at approved police training  
3 schools.

4 (c) The rules promulgated under this section shall not apply  
5 to a member of a sheriff's posse or a police auxiliary temporar-  
6 ily performing his or her duty under the direction of the sheriff  
7 or police department.

8 (d) Minimum basic training requirements that a person,  
9 excluding sheriffs, shall complete before being eligible for cer-  
10 tification under section 9a(1).

11 (2) If a person's certification under section 9a(1) becomes  
12 void under section 9a(4)(b), the commission shall waive the  
13 requirements described in subsection (1)(b) for certification of  
14 the person under section 9a(1) if 1 or more of the following  
15 apply:

16 (a) The person has been employed 1 year or less as a commis-  
17 sion certified law enforcement officer and is again employed as a  
18 law enforcement officer within 1 year after discontinuing employ-  
19 ment as a commission certified law enforcement officer.

20 (b) The person has been employed more than 1 year but less  
21 than 5 years as a commission certified law enforcement officer  
22 and is again employed as a law enforcement officer within 18  
23 months after discontinuing employment as a commission certified  
24 law enforcement officer.

25 (c) The person has been employed 5 years or more as a com-  
26 mission certified law enforcement officer and is again employed

1 as a law enforcement officer within 2 years after discontinuing  
2 employment as a commission certified law enforcement officer.

3 (d) The person has successfully completed the mandatory  
4 training and has been continuously employed as a law enforcement  
5 officer, but through no fault of that person the employing agency  
6 failed to obtain certification for that person as required by  
7 this act.

8 (3) The commission shall promulgate rules with respect to  
9 all of the following:

10 (a) The categories or classifications of advanced in-service  
11 training programs for commission certified law enforcement offi-  
12 cers and minimum courses of study and attendance requirements for  
13 the categories or classifications.

14 (b) The establishment of subordinate regional training cen-  
15 ters in strategic geographic locations in order to serve the  
16 greatest number of police agencies that are unable to support  
17 their own training programs.

18 (c) The commission's acceptance of certified basic police  
19 training and law enforcement experience received by a person in  
20 another state in fulfillment in whole or in part of the law  
21 enforcement officer minimum standards.

22 (d) The commission's approval of police training schools  
23 administered by a city, county, township, village, corporation,  
24 college, community college or university.

25 (e) The minimum qualifications for instructors at approved  
26 police training schools.

1 (f) The minimum facilities and equipment required at  
2 approved police training schools.

3 (g) The establishment of preservice basic training programs  
4 at colleges and universities.

5 (h) Acceptance of basic police training and law enforcement  
6 experience received by a person in fulfillment in whole or in  
7 part of the law enforcement officer minimum standards prepared  
8 and published by the commission if both of the following apply:

9 (i) The person successfully completed the basic police  
10 training in another state or through a federally operated police  
11 training school that was sufficient to fulfill the minimum stan-  
12 dards required by federal law to be appointed as a law enforce-  
13 ment officer of a Michigan Indian tribal police force.

14 (ii) The person is or was a law enforcement officer of a  
15 Michigan Indian tribal police force for a period of 1 year or  
16 more.

17 (I) TRAINING STANDARDS FOR PRIVATE SECURITY GUARDS AND PRI-  
18 VATE SECURITY POLICE LICENSED UNDER THE PRIVATE SECURITY BUSINESS  
19 AND SECURITY ALARM ACT, 1968 PA 330, MCL 338.1051 TO 338.1083, OR  
20 PERSONS ACTING AS PRIVATE SECURITY GUARDS OR PRIVATE SECURITY  
21 POLICE BUT EXEMPT FROM LICENSURE UNDER SECTION 4 OF THE PRIVATE  
22 SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330,  
23 MCL 338.1054.

24 (4) Except as otherwise provided in this section, a regu-  
25 larly employed person employed on or after January 1, 1977 as a  
26 member of a police force having a full-time officer is not  
27 empowered to exercise all the authority of a peace officer in

1 this state, or be employed in a position for which the authority  
2 of a peace officer is conferred by statute, unless the person has  
3 received certification under section 9a(1).

4 (5) A law enforcement officer employed before January 1,  
5 1977 may continue his or her employment as a law enforcement  
6 officer and participate in training programs on a voluntary or  
7 assigned basis but failure to obtain certification under  
8 section 9a(1) or (2) is not grounds for dismissal of or termina-  
9 tion of that employment as a law enforcement officer. A person  
10 who was employed as a law enforcement officer before January 1,  
11 1977 who fails to obtain certification under section 9a(1) and  
12 who voluntarily or involuntarily discontinues his or her employ-  
13 ment as a law enforcement officer may be employed as a law  
14 enforcement officer if he or she was employed 5 years or more as  
15 a law enforcement officer and is again employed as a law enforce-  
16 ment officer within 2 years after discontinuing employment as a  
17 law enforcement officer.

18 (6) A law enforcement officer of a Michigan Indian tribal  
19 police force is not empowered to exercise the authority of a  
20 peace officer under the laws of this state and shall not be  
21 employed in a position for which peace officer authority is  
22 granted under the laws of this state unless all of the following  
23 requirements are met:

24 (a) The tribal law enforcement officer is certified under  
25 this act.

26 (b) The tribal law enforcement officer is 1 of the  
27 following:

1 (i) Deputized by the sheriff of the county in which the  
2 trust lands of the Michigan Indian tribe employing the tribal law  
3 enforcement officer are located, or by the sheriff of any county  
4 that borders the trust lands of that Michigan Indian tribe, pur-  
5 suant to section 70 of 1846 RS 14, MCL 51.70.

6 (ii) Appointed as a police officer of the state or a city,  
7 township, charter township, or village that is authorized by law  
8 to appoint individuals as police officers.

9 (c) The deputation or appointment of the tribal law enforce-  
10 ment officer described in subdivision (b) is made pursuant to a  
11 written contract that includes terms the appointing authority  
12 under subdivision (b) may require between the state or local law  
13 enforcement agency and the tribal government of the Michigan  
14 Indian tribe employing the tribal law enforcement officer.

15 (d) The written contract described in subdivision (c) is  
16 incorporated into a self-determination contract, grant agreement,  
17 or cooperative agreement between the United States secretary of  
18 the interior and the tribal government of the Michigan Indian  
19 tribe employing the tribal law enforcement officer pursuant to  
20 the Indian self-determination and education assistance act,  
21 Public Law 93-638, 88 Stat. 2203.

22 (7) The commission may establish an evaluation or testing  
23 process, or both, for granting a waiver from the law enforcement  
24 officer minimum standards regarding training requirements to a  
25 person who has held a certificate under this act and who discon-  
26 tinues employment as a law enforcement officer for a period of

1 time exceeding the time prescribed in subsection (2)(a) to (c) or  
2 subsection (5), as applicable.

3       Sec. 13. (1) There is created in the state treasury a law  
4 enforcement officers training fund. ~~, from which, the legisla-~~  
5 ~~ture shall appropriate sums deemed necessary for the purposes of~~  
6 ~~this act.~~

7       (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
8 FROM APPROPRIATIONS OR FROM ANY OTHER SOURCE FOR DEPOSIT INTO THE  
9 FUND. THE STATE TREASURER SHALL DIRECT INVESTMENT INTO THE FUND  
10 AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND  
11 INVESTMENTS.

12       (3) THE MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR  
13 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

14       Enacting section 1. This amendatory act does not take  
15 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4692  
16 (request no. 03733'01) of the 91st Legislature is enacted into  
17 law.