

HOUSE BILL NO. 5073

June 22, 2021, Introduced by Reps. Peterson, Rabhi, Kuppa, Weiss, Tate, LaGrand, Hood, Cherry, Brabec, Camilleri, Young, Breen, Aiyash, Sowerby, Hope, Anthony, Bolden, Pohutsky, Steenland, Tyrone Carter, Brenda Carter, Whitsett, Sneller and Brixie 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 sections 9, 9b, 9c, and 9d (MCL 28.609, 28.609b, 28.609c, and 28.609d), the title as amended by 1998 PA 237 and sections 9, 9b, 9c, and 9d as amended by 2018 PA 552, and by adding sections 9f and 9g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to ~~provide for the creation of~~ **create** the commission on

1 law enforcement standards; to prescribe its membership, powers, and
2 duties; to prescribe the reporting responsibilities **and other**
3 **duties** of certain state and local agencies; **to require licensing of**
4 **and certain training for law enforcement officers**; to provide for
5 additional costs in criminal cases; to provide for the
6 establishment of the law enforcement officers training fund; and to
7 provide for disbursement of allocations from the law enforcement
8 officers training fund to local agencies of government
9 participating in a police training program.

10 Sec. 9. (1) This section applies to all law enforcement
11 officers except individuals to whom sections 9a, 9b, 9c, and 9d
12 apply. Employment of law enforcement officers to whom this section
13 applies is subject to the licensing requirements and procedures of
14 this section and ~~section~~**sections 9e and 9f**. An individual who
15 seeks admission to a preservice college basic law enforcement
16 training academy or a regional basic law enforcement training
17 academy or the recognition of prior basic law enforcement training
18 and experience program for purposes of licensure under this section
19 shall submit to fingerprinting as provided in section 11(3).

20 (2) The commission shall promulgate rules governing licensing
21 standards and procedures for individuals licensed under this
22 section. In promulgating the rules, the commission shall give
23 consideration to the varying factors and special requirements of
24 law enforcement agencies. Rules promulgated under this subsection
25 must pertain to the following:

26 (a) Subject to ~~section~~**sections 9e and 9f**, training
27 requirements that may be met by completing either of the following:

28 (i) Preenrollment requirements, courses of study, attendance
29 requirements, and instructional hours at an agency basic law

1 enforcement training academy, a preservice college basic law
2 enforcement training academy, or a regional basic law enforcement
3 training academy.

4 (ii) The recognition of prior basic law enforcement training
5 and experience program for granting a waiver from the licensing
6 standard specified in subparagraph (i).

7 (b) Proficiency on a licensing examination administered after
8 compliance with the licensing standard specified in subdivision

9 (a).

10 (c) Physical ability.

11 (d) Psychological fitness.

12 (e) Education.

13 (f) Reading and writing proficiency.

14 (g) Minimum age.

15 (h) Whether or not a valid operator's or chauffeur's license
16 is required for licensure.

17 (i) Character fitness, as determined by a background
18 investigation supported by a written authorization and release
19 executed by the individual for whom licensure is sought.

20 (j) Whether or not United States citizenship is required for
21 licensure.

22 (k) Employment as a law enforcement officer.

23 (l) The form and manner for execution of a written oath of
24 office by a law enforcement agency with whom the individual is
25 employed, and the content of the written oath conferring authority
26 to act with all of the law enforcement authority described in the
27 laws of this state under which the individual is employed.

28 (m) The ability to be licensed and employed as a law
29 enforcement officer under this section, without a restriction

1 otherwise imposed by law.

2 (3) The licensure process under this section must follow the
3 following procedures:

4 (a) Before executing the oath of office, an employing law
5 enforcement agency verifies that the individual to whom the oath is
6 to be administered complies with licensing standards.

7 (b) A law enforcement agency employing an individual licensed
8 under this section authorizes the individual to exercise the law
9 enforcement authority described in the laws of this state under
10 which the individual is employed, by executing a written oath of
11 office.

12 (c) Not more than 10 calendar days after executing the oath of
13 office, the employing law enforcement agency shall attest in
14 writing to the commission that the individual to whom the oath was
15 administered satisfies the licensing standards by submitting an
16 executed affidavit and a copy of the executed oath of office.

17 (4) If, upon reviewing the executed affidavit and executed
18 oath of office, the commission determines that the individual
19 complies with the licensing standards, the commission shall grant
20 the individual a license.

21 (5) If, upon reviewing the executed affidavit and executed
22 oath of office, the commission determines that the individual does
23 not comply with the licensing standards, the commission may do any
24 of the following:

25 (a) Supervise the remediation of errors or omissions in the
26 affidavit and oath of office.

27 (b) Supervise the remediation of errors or omissions in the
28 screening, procedures, examinations, testing, and other means used
29 to verify compliance with the licensing standards.

1 (c) Supervise additional screening, procedures, examinations,
2 testing, and other means used to determine compliance with the
3 licensing standards.

4 (d) Deny the issuance of a license and inform the employing
5 law enforcement agency.

6 (6) Upon being informed that the commission has denied
7 issuance of a license, the employing law enforcement agency shall
8 promptly inform the individual whose licensure was denied.

9 (7) An individual denied a license under this section shall
10 not exercise the law enforcement authority described in the laws of
11 this state under which the individual is employed. This subsection
12 does not divest the individual of that authority until the
13 individual has been informed that his or her licensure was denied.

14 (8) A law enforcement agency that has administered an oath of
15 office to an individual under this section shall do all of the
16 following, with respect to that individual:

17 (a) Report to the commission all personnel transactions
18 affecting employment status in a manner prescribed in rules
19 promulgated by the commission.

20 (b) Report to the commission concerning any action taken by
21 the employing agency that removes the authority conferred by the
22 oath of office, or that restores the individual's authority to that
23 conferred by the oath of office, in a manner prescribed in rules
24 promulgated by the commission.

25 (c) Maintain an employment history record.

26 (d) Collect, verify, and maintain documentation establishing
27 that the individual complies with the licensing standards.

28 (9) An individual licensed under this section shall report all
29 of the following to the commission:

1 (a) Criminal charges for offenses for which that individual's
2 license may be revoked as described in this section, upon being
3 informed of such charges, in a manner prescribed in rules
4 promulgated by the commission.

5 (b) The imposition of a personal protection order against that
6 individual after a judicial hearing under section 2950 or 2950a of
7 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
8 600.2950a, or under the laws of any other jurisdiction, upon being
9 informed of the imposition of such an order, in a manner prescribed
10 in rules promulgated by the commission.

11 (10) A license issued under this section is rendered inactive,
12 and may be reactivated, as follows:

13 (a) A license is rendered inactive if 1 or more of the
14 following occur:

15 (i) An individual, having been employed as a law enforcement
16 officer for fewer than 2,080 hours in aggregate, is thereafter
17 continuously not employed as a law enforcement officer for less
18 than 1 year.

19 (ii) An individual, having been employed as a law enforcement
20 officer for fewer than 2,080 hours in aggregate, is thereafter
21 continuously subjected to a removal of the authority conferred by
22 the oath of office for less than 1 year.

23 (iii) An individual, having been employed as a law enforcement
24 officer for 2,080 hours or longer in aggregate, is thereafter
25 continuously not employed as a law enforcement officer for less
26 than 2 years.

27 (iv) An individual, having been employed as a law enforcement
28 officer for 2,080 hours or longer in aggregate, is continuously
29 subjected to a removal of the authority conferred by the oath of

1 office for less than 2 years.

2 (b) An employing law enforcement agency may reactivate a
3 license rendered inactive by complying with the licensure
4 procedures described in subsection (3), excluding verification of
5 and attestation to compliance with the licensing standards
6 described in subsection (2)(a) to (g).

7 (c) A license that has been reactivated under this section is
8 valid for all purposes described in this act.

9 (11) A license issued under this section is rendered lapsed,
10 without barring further licensure under this act, if 1 or more of
11 the following occur:

12 (a) An individual, having been employed as a law enforcement
13 officer for fewer than 2,080 hours in aggregate, is thereafter
14 continuously not employed as a law enforcement officer for 1 year.

15 (b) An individual, having been employed as a law enforcement
16 officer for fewer than 2,080 hours in aggregate, is thereafter
17 continuously subjected to a removal of the authority conferred by
18 the oath of office for 1 year.

19 (c) An individual, having been employed as a law enforcement
20 officer for 2,080 hours or longer in aggregate, is thereafter
21 continuously not employed as a law enforcement officer for 2 years.

22 (d) An individual, having been employed as a law enforcement
23 officer for 2,080 hours or longer in aggregate, is continuously
24 subjected to a removal of the authority conferred by the oath of
25 office for 2 years.

26 (12) The commission shall revoke a license granted under this
27 section for any of the following circumstances and shall promulgate
28 rules governing revocations under this subsection:

29 (a) The individual obtained the license by making a materially

1 false oral or written statement or committing fraud in an
2 affidavit, disclosure, or application to a law enforcement training
3 academy, the commission, or a law enforcement agency at any stage
4 of recruitment, selection, appointment, enrollment, training, or
5 licensure application.

6 (b) The individual obtained the license because another
7 individual made a materially false oral or written statement or
8 committed fraud in an affidavit, disclosure, or application to a
9 law enforcement training academy, the commission, or a law
10 enforcement agency at any stage of recruitment, selection,
11 appointment, enrollment, training, or licensure application.

12 (c) The individual has been subjected to an adjudication of
13 guilt for a violation or attempted violation of a penal law of this
14 state or another jurisdiction that is punishable by imprisonment
15 for more than 1 year.

16 (d) The individual has been subjected to an adjudication of
17 guilt for violation or attempted violation of 1 or more of the
18 following penal laws of this state or laws of another jurisdiction
19 substantially corresponding to the penal laws of this state:

20 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
21 300, MCL 257.625, if the individual has a prior conviction, as that
22 term is defined in section 625(25)(b) of the Michigan vehicle code,
23 1949 PA 300, MCL 257.625, that occurred within 7 years of the
24 adjudication as described in section 625(9)(b) of the Michigan
25 vehicle code, 1949 PA 300, MCL 257.625.

26 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
27 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

28 (iii) Section 81(4) or 81a or a misdemeanor violation of section
29 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,

1 and 750.411h.

2 (13) The following procedures and requirements apply to
3 license revocation under this section:

4 (a) The commission shall initiate license revocation
5 proceedings, including, but not limited to, the issuance of an
6 order of summary suspension and notice of intent to revoke, upon
7 obtaining notice of facts warranting license revocation.

8 (b) A hearing for license revocation must be conducted as a
9 contested case under the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328.

11 (c) In lieu of participating in a contested case, an
12 individual may voluntarily and permanently relinquish his or her
13 law enforcement officer license by executing before a notary public
14 an affidavit of license relinquishment prescribed by the
15 commission.

16 (d) The commission need not delay or abate license revocation
17 proceedings based on an adjudication of guilt if an appeal is taken
18 from the adjudication of guilt.

19 (e) If the commission issues a final decision or order to
20 revoke a license, that decision or order is subject to judicial
21 review as provided in the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
23 in this section is not a final decision or order for purposes of
24 judicial review.

25 (14) An individual licensed under this section shall not
26 exercise the law enforcement authority described in the laws of
27 this state under which the individual is employed if any of the
28 following occur:

29 (a) The individual's license is rendered void by a court order

1 or other operation of law.

2 (b) The individual's license is revoked.

3 (c) The individual's license is rendered inactive.

4 (d) The individual's license is rendered lapsed.

5 Sec. 9b. (1) This section applies only to individuals who are
6 employed as Michigan tribal law enforcement officers in this state
7 and are subject to a written instrument authorizing them to enforce
8 the laws of this state. Conferring authority to enforce the laws of
9 this state to law enforcement officers to whom this section applies
10 is subject to the licensing requirements and procedures of this
11 section and ~~section~~**sections 9e and 9f**. An individual who seeks
12 admission to a preservice college basic law enforcement training
13 academy or a regional basic law enforcement training academy or the
14 recognition of prior basic law enforcement training and experience
15 program for purposes of licensure under this section shall submit
16 to fingerprinting as provided in section 11(3).

17 (2) The commission shall promulgate rules governing licensing
18 standards and procedures, pertaining to the following:

19 (a) Subject to ~~section~~**sections 9e and 9f**, training
20 requirements that may be met by completing either of the following:

21 (i) Preenrollment requirements, courses of study, attendance
22 requirements, and instructional hours at an agency basic law
23 enforcement training academy, a preservice college basic law
24 enforcement training academy, or a regional basic law enforcement
25 training academy.

26 (ii) The recognition of prior basic law enforcement training
27 and experience program for granting a waiver from the licensing
28 standard specified in subparagraph (i).

29 (b) Proficiency on a licensing examination administered after

1 compliance with the licensing standard specified in subdivision
2 (a).

3 (c) Physical ability.

4 (d) Psychological fitness.

5 (e) Education.

6 (f) Reading and writing proficiency.

7 (g) Minimum age.

8 (h) Whether or not a valid operator's or chauffeur's license
9 is required for licensure.

10 (i) Character fitness, as determined by a background
11 investigation supported by a written authorization and release
12 executed by the individual for whom licensure is sought.

13 (j) Whether or not United States citizenship is required for
14 licensure.

15 (k) Employment as a Michigan tribal law enforcement officer.

16 (l) The form and manner for execution of a written instrument
17 conferring authority upon the individual to enforce the laws of
18 this state, consisting of any of the following:

19 (i) Deputation by a sheriff of this state, conferring authority
20 upon the individual to enforce the laws of this state.

21 (ii) Appointment as a law enforcement officer by a law
22 enforcement agency, conferring authority upon the individual to
23 enforce the laws of this state.

24 (iii) Execution of a written agreement between the Michigan
25 tribal law enforcement agency with whom the individual is employed
26 and a law enforcement agency, conferring authority upon the
27 individual to enforce the laws of this state.

28 (iv) Execution of a written agreement between this state, or a
29 subdivision of this state, and the United States, conferring

1 authority upon the individual to enforce the laws of this state.

2 (m) The ability to be licensed and employed as a law
3 enforcement officer under this section, without a restriction
4 otherwise imposed by law.

5 (3) The licensure process under this section must follow the
6 following procedures:

7 (a) A law enforcement agency or other governmental agency
8 conferring authority upon a Michigan tribal law enforcement officer
9 as provided in this section shall confer the authority to enforce
10 the laws of this state by executing a written instrument as
11 provided in this section.

12 (b) Before executing the written instrument, a law enforcement
13 agency or other governmental agency shall verify that the
14 individual complies with the licensing standards.

15 (c) Not more than 10 calendar days after the effective date of
16 the written instrument, the law enforcement agency or other
17 governmental agency executing the written instrument shall attest
18 in writing to the commission that the individual to whom the
19 authority was conferred satisfies the licensing standards, by
20 submitting an executed affidavit and a copy of the written
21 instrument.

22 (4) If, upon reviewing the executed affidavit and the written
23 instrument, the commission determines that the individual complies
24 with the licensing standards, the commission shall grant the
25 individual a license.

26 (5) If, upon reviewing the executed affidavit and the written
27 instrument, the commission determines that the individual does not
28 comply with the licensing standards, the commission may do any of
29 the following:

1 (a) Supervise the remediation of errors or omissions in the
2 affidavit and oath of office.

3 (b) Supervise the remediation of errors or omissions in the
4 screening, procedures, examinations, testing, and other means used
5 to verify compliance with the licensing standards.

6 (c) Supervise additional screening, procedures, examinations,
7 testing, and other means used to determine compliance with the
8 licensing standards.

9 (d) Deny the issuance of a license and inform the law
10 enforcement agency or other governmental agency conferring
11 authority to enforce the laws of this state upon an individual to
12 whom this section applies.

13 (6) Upon being informed that the commission has denied
14 issuance of a license, a law enforcement agency or other
15 governmental agency conferring authority to enforce the laws of
16 this state upon an individual to whom this section applies shall
17 promptly inform the individual denied.

18 (7) An individual denied a license under this section shall
19 not exercise the law enforcement authority described in a written
20 instrument conferring authority upon the individual to enforce the
21 laws of this state. This subsection does not divest the individual
22 of that authority until the individual has been informed that his
23 or her license was denied.

24 (8) A written instrument conferring authority to enforce the
25 laws of this state upon an individual to whom this section applies
26 must include the following:

27 (a) A requirement that the employing Michigan tribal law
28 enforcement agency report to the commission all personnel
29 transactions affecting employment status in a manner prescribed in

1 rules promulgated by the commission.

2 (b) A requirement that the employing Michigan tribal law
3 enforcement agency report to the commission concerning any action
4 it takes that removes the authority conferred by the written
5 instrument conferring authority upon the individual to enforce the
6 laws of this state or that restores the individual's authority to
7 that conferred by the written instrument, in a manner prescribed in
8 rules promulgated by the commission.

9 (c) A requirement that the employing Michigan tribal law
10 enforcement agency maintain an employment history record.

11 (d) A requirement that the employing Michigan tribal law
12 enforcement agency collect, verify, and maintain documentation
13 establishing that the individual complies with the applicable
14 licensing standards.

15 (9) A written instrument conferring authority to enforce the
16 laws of this state upon an individual to whom this section applies
17 must include a requirement that the employing Michigan tribal law
18 enforcement agency report the following regarding an individual
19 licensed under this section:

20 (a) Criminal charges for offenses for which that individual's
21 license may be revoked as described in this section, upon being
22 informed of such charges, in a manner prescribed in rules
23 promulgated by the commission.

24 (b) The imposition of a personal protection order against that
25 individual after a judicial hearing under section 2950 or 2950a of
26 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
27 600.2950a, or under the laws of any other jurisdiction, upon being
28 informed of the imposition of such an order, in a manner prescribed
29 in rules promulgated by the commission.

1 (10) A license issued under this section is rendered inactive,
2 and may be reactivated, as follows:

3 (a) A license is rendered inactive if 1 or more of the
4 following occur:

5 (i) An individual, having been employed as a law enforcement
6 officer in aggregate for less than 2,080 hours, is thereafter
7 continuously not employed as a law enforcement officer for less
8 than 1 year.

9 (ii) An individual, having been employed as a law enforcement
10 officer in aggregate for less than 2,080 hours, is thereafter
11 continuously subjected to a removal of the authority conferred by
12 the written instrument authorizing the individual to enforce the
13 laws of this state for less than 1 year.

14 (iii) An individual, having been employed as a law enforcement
15 officer in aggregate for 2,080 hours or longer, is thereafter
16 continuously not employed as a law enforcement officer for less
17 than 2 years.

18 (iv) An individual, having been employed as a law enforcement
19 officer in aggregate for 2,080 hours or longer, is continuously
20 subjected to a removal of the authority conferred by the written
21 instrument authorizing the individual to enforce the laws of this
22 state for less than 2 years.

23 (b) A law enforcement agency or other governmental agency
24 conferring authority to enforce the laws of this state upon an
25 individual to whom this section applies may reactivate a license
26 rendered inactive by complying with the licensure procedures
27 described in subsection (3), excluding verification of and
28 attestation to compliance with the licensing standards described in
29 subsection (2) (a) to (g).

1 (c) A license that has been reactivated under this section is
2 valid for all purposes described in this act.

3 (11) A license issued under this section is rendered lapsed,
4 without barring further licensure under this act, if 1 or more of
5 the following occur:

6 (a) An individual, having been employed as a law enforcement
7 officer in aggregate for less than 2,080 hours, is thereafter
8 continuously not employed as a law enforcement officer for 1 year.

9 (b) An individual, having been employed as a law enforcement
10 officer in aggregate for less than 2,080 hours, is thereafter
11 continuously subjected to a removal of the authority conferred by
12 the written instrument authorizing the individual to enforce the
13 laws of this state for 1 year.

14 (c) An individual, having been employed as a law enforcement
15 officer in aggregate for 2,080 hours or longer, is thereafter
16 continuously not employed as a law enforcement officer for 2 years.

17 (d) An individual, having been employed as a law enforcement
18 officer in aggregate for 2,080 hours or longer, is continuously
19 subjected to a removal of the authority conferred by the written
20 instrument authorizing the individual to enforce the laws of this
21 state for 2 years.

22 (12) The commission shall revoke a license granted under this
23 section for any of the following circumstances and shall promulgate
24 rules governing these revocations under this section:

25 (a) The individual obtained the license by making a materially
26 false oral or written statement or committing fraud in an
27 affidavit, disclosure, or application to a law enforcement training
28 academy, the commission, or a law enforcement agency at any stage
29 of recruitment, selection, appointment, enrollment, training, or

1 licensure application.

2 (b) The individual obtained the license because another
3 individual made a materially false oral or written statement or
4 committed fraud in an affidavit, disclosure, or application to a
5 law enforcement training academy, the commission, or a law
6 enforcement agency at any stage of recruitment, selection,
7 appointment, enrollment, training, or licensure application.

8 (c) The individual has been subjected to an adjudication of
9 guilt for a violation or attempted violation of a penal law of this
10 state or another jurisdiction that is punishable by imprisonment
11 for more than 1 year.

12 (d) The individual has been subjected to an adjudication of
13 guilt for violation or attempted violation of 1 or more of the
14 following penal laws of this state or laws of another jurisdiction
15 substantially corresponding to the penal laws of this state:

16 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
17 300, MCL 257.625, if the individual has a prior conviction, as that
18 term is defined in section 625(25)(b) of the Michigan vehicle code,
19 1949 PA 300, MCL 257.625, that occurred within 7 years of the
20 adjudication as described in section 625(9)(b) of the Michigan
21 vehicle code, 1949 PA 300, MCL 257.625.

22 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
23 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

24 (iii) Section 81(4) or 81a or a misdemeanor violation of section
25 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
26 and 750.411h.

27 (13) The following procedures and requirements apply to
28 license revocation under this section:

29 (a) The commission shall initiate license revocation

1 proceedings, including, but not limited to, the issuance of an
2 order of summary suspension and notice of intent to revoke, upon
3 obtaining notice of facts warranting license revocation.

4 (b) A hearing for license revocation must be conducted as a
5 contested case under the administrative procedures act of 1969,
6 1969 PA 306, MCL 24.201 to 24.328.

7 (c) In lieu of participating in a contested case, an
8 individual may voluntarily and permanently relinquish his or her
9 law enforcement officer license by executing before a notary public
10 an affidavit of license relinquishment prescribed by the
11 commission.

12 (d) The commission need not delay or abate license revocation
13 proceedings based on an adjudication of guilt if an appeal is taken
14 from the adjudication of guilt.

15 (e) If the commission issues a final decision or order to
16 revoke a license, that decision or order is subject to judicial
17 review as provided in the administrative procedures act of 1969,
18 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
19 in this section is not a final decision or order for purposes of
20 judicial review.

21 (14) An individual licensed under this section shall not
22 exercise the law enforcement authority described in a written
23 instrument conferring authority upon the individual to enforce the
24 laws of this state if any of the following occur:

25 (a) The individual's license is rendered void by a court order
26 or other operation of law.

27 (b) The individual's license is revoked.

28 (c) The individual's license is rendered inactive.

29 (d) The individual's license is rendered lapsed.

1 Sec. 9c. (1) This section applies only to individuals who are
2 employed as fire arson investigators from fire departments within
3 villages, cities, townships, or counties in this state, who are
4 sworn and fully empowered by the chiefs of police of those
5 villages, cities, townships, or counties. Conferring authority to
6 enforce the laws of this state to law enforcement officers to whom
7 this section applies is subject to the licensing requirements and
8 procedures of this section and ~~section~~**sections 9e and 9f**. An
9 individual who seeks admission to a preservice college basic law
10 enforcement training academy or a regional basic law enforcement
11 training academy or the recognition of prior basic law enforcement
12 training and experience program for purposes of licensure under
13 this section shall submit to fingerprinting as provided in section
14 11(3).

15 (2) The commission shall promulgate rules governing licensing
16 standards and procedures, pertaining to the following:

17 (a) Subject to ~~section~~**sections 9e and 9f**, training
18 requirements that may be met by completing either of the following:

19 (i) Preenrollment requirements, courses of study, attendance
20 requirements, and instructional hours at an agency basic law
21 enforcement training academy, a preservice college basic law
22 enforcement training academy, or a regional basic law enforcement
23 training academy.

24 (ii) The recognition of prior basic law enforcement training
25 and experience program for granting a waiver from the licensing
26 standard specified in subparagraph (i).

27 (b) Proficiency on a licensing examination administered after
28 compliance with the licensing standard specified in subdivision
29 (a).

1 (c) Physical ability.

2 (d) Psychological fitness.

3 (e) Education.

4 (f) Reading and writing proficiency.

5 (g) Minimum age.

6 (h) Whether or not a valid operator's or chauffeur's license
7 is required for licensure.

8 (i) Character fitness, as determined by a background
9 investigation supported by a written authorization and release
10 executed by the individual for whom licensure is sought.

11 (j) Whether or not United States citizenship is required for
12 licensure.

13 (k) Employment as a fire arson investigator from a fire
14 department within a village, city, township, or county in this
15 state, who is sworn and fully empowered by the chief of police of
16 that village, city, township, or county.

17 (l) The form and manner for execution of a written oath of
18 office by the chief of police of a village, city, township, or
19 county law enforcement agency, and the content of the written oath
20 conferring authority to enforce the laws of this state.

21 (m) The ability to be licensed and employed as a law
22 enforcement officer under this section, without a restriction
23 otherwise imposed by law.

24 (3) The licensure process under this section must follow the
25 following procedures:

26 (a) Before executing the oath of office, the chief of police
27 shall verify that the individual to whom the oath is to be
28 administered complies with the licensing standards.

29 (b) The chief of police shall execute an oath of office

1 authorizing the individual to enforce the laws of this state.

2 (c) Not more than 10 calendar days after executing the oath of
3 office, the chief of police shall attest in writing to the
4 commission that the individual to whom the oath was administered
5 satisfies the licensing standards by submitting an executed
6 affidavit and a copy of the executed oath of office.

7 (4) If, upon reviewing the executed affidavit and executed
8 oath of office, the commission determines that the individual
9 complies with the licensing standards, the commission shall grant
10 the individual a license.

11 (5) If, upon reviewing the executed affidavit and executed
12 oath of office, the commission determines that the individual does
13 not comply with the licensing standards, the commission may do any
14 of the following:

15 (a) Supervise the remediation of errors or omissions in the
16 affidavit and oath of office.

17 (b) Supervise the remediation of errors or omissions in the
18 screening, procedures, examinations, testing, and other means used
19 to verify compliance with the licensing standards.

20 (c) Supervise additional screening, procedures, examinations,
21 testing, and other means used to determine compliance with the
22 licensing standards.

23 (d) Deny the issuance of a license and inform the chief of
24 police.

25 (6) Upon being informed that the commission has denied
26 issuance of a license, the chief of police shall promptly inform
27 the individual whose licensure was denied.

28 (7) An individual denied a license under this section shall
29 not exercise the law enforcement authority described in the oath of

1 office. This subsection does not divest the individual of that
2 authority until the individual has been informed that his or her
3 license was denied.

4 (8) A chief of police who has administered an oath of office
5 to an individual under this section shall do all of the following,
6 with respect to that individual:

7 (a) Report to the commission all personnel transactions
8 affecting employment status in a manner prescribed in rules
9 promulgated by the commission.

10 (b) Report to the commission concerning any action taken by
11 the chief of police that removes the authority conferred by the
12 oath of office, or that restores the individual's authority to that
13 conferred by the oath of office, in a manner prescribed in rules
14 promulgated by the commission.

15 (c) Maintain an employment history record.

16 (d) Collect, verify, and maintain documentation establishing
17 that the individual complies with the applicable licensing
18 standards.

19 (9) An individual licensed under this section shall report all
20 of the following to the commission:

21 (a) Criminal charges for offenses for which that individual's
22 license may be revoked as described in this section, upon being
23 informed of such charges, in a manner prescribed in rules
24 promulgated by the commission.

25 (b) Imposition of a personal protection order against that
26 individual after a judicial hearing under section 2950 or 2950a of
27 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
28 600.2950a, or under the laws of any other jurisdiction, upon being
29 informed of the imposition of such an order, in a manner prescribed

1 in rules promulgated by the commission.

2 (10) A license issued under this section is rendered lapsed,
3 without barring further licensure under this act, if 1 or both of
4 the following occur:

5 (a) The individual is no longer employed as a fire arson
6 investigator from a fire department within a village, city,
7 township, or county in this state, who is sworn and fully empowered
8 by the chief of police of that village, city, township, or county,
9 rendering the license lapsed.

10 (b) The individual is subjected to a removal of the authority
11 conferred by the oath of office, rendering the license lapsed.

12 (11) The commission shall revoke a license granted under this
13 section for any of the following circumstances and shall promulgate
14 rules governing these revocations under this subsection:

15 (a) The individual obtained the license by making a materially
16 false oral or written statement or committing fraud in an
17 affidavit, disclosure, or application to a law enforcement training
18 academy, the commission, or a law enforcement agency at any stage
19 of recruitment, selection, appointment, enrollment, training, or
20 licensure application.

21 (b) The individual obtained the license because another
22 individual made a materially false oral or written statement or
23 committed fraud in an affidavit, disclosure, or application to a
24 law enforcement training academy, the commission, or a law
25 enforcement agency at any stage of recruitment, selection,
26 appointment, enrollment, training, or licensure application.

27 (c) The individual has been subjected to an adjudication of
28 guilt for a violation or attempted violation of a penal law of this
29 state or another jurisdiction that is punishable by imprisonment

1 for more than 1 year.

2 (d) The individual has been subjected to an adjudication of
3 guilt for violation or attempted violation of 1 or more of the
4 following penal laws of this state or laws of another jurisdiction
5 substantially corresponding to the penal laws of this state:

6 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
7 300, MCL 257.625, if the individual has a prior conviction, as that
8 term is defined in section 625(25)(b) of the Michigan vehicle code,
9 1949 PA 300, MCL 257.625, that occurred within 7 years of the
10 adjudication as described in section 625(9)(b) of the Michigan
11 vehicle code, 1949 PA 300, MCL 257.625.

12 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
13 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

14 (iii) Section 81(4) or 81a or a misdemeanor violation of section
15 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
16 and 750.411h.

17 (12) The following procedures and requirements apply to
18 license revocation under this section:

19 (a) The commission shall initiate license revocation
20 proceedings, including, but not limited to, issuance of an order of
21 summary suspension and notice of intent to revoke, upon obtaining
22 notice of facts warranting license revocation.

23 (b) A hearing for license revocation must be conducted as a
24 contested case under the administrative procedures act of 1969,
25 1969 PA 306, MCL 24.201 to 24.328.

26 (c) In lieu of participating in a contested case, an
27 individual may voluntarily and permanently relinquish his or her
28 law enforcement officer license by executing before a notary public
29 an affidavit of license relinquishment prescribed by the

1 commission.

2 (d) The commission need not delay or abate license revocation
3 proceedings based on an adjudication of guilt if an appeal is taken
4 from the adjudication of guilt.

5 (e) If the commission issues a final decision or order to
6 revoke a license, that decision or order is subject to judicial
7 review as provided in the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
9 in this section is not a final decision or order for purposes of
10 judicial review.

11 (13) An individual licensed under this section shall not
12 exercise the law enforcement authority described in the oath of
13 office if any of the following occur:

14 (a) The individual's license is rendered void by a court order
15 or other operation of law.

16 (b) The individual's license is revoked.

17 (c) The individual's license is rendered lapsed.

18 Sec. 9d. (1) This section applies only to individuals who meet
19 all of the following conditions:

20 (a) Are employed as private college security officers under
21 section 37 of the private security business and security alarm act,
22 1968 PA 330, MCL 338.1087.

23 (b) Seek licensure under this act.

24 (c) Are sworn and fully empowered by a chief of police of a
25 village, city, or township law enforcement agency, or are deputized
26 by a county sheriff as a deputy sheriff, excluding deputation as a
27 special deputy.

28 (2) The authority to enforce the laws of this state of private
29 college security officers to whom this section applies is subject

1 to the licensing requirements and procedures of this section and
2 ~~section~~**sections 9e and 9f**. An individual who seeks admission to a
3 preservice college basic law enforcement training academy or a
4 regional basic law enforcement training academy or the recognition
5 of prior basic law enforcement training and experience program for
6 purposes of licensure under this section shall submit to
7 fingerprinting as provided in section 11(3).

8 (3) The commission shall promulgate rules governing licensing
9 standards and procedures, pertaining to the following:

10 (a) Subject to ~~section~~**sections 9e and 9f**, training
11 requirements that may be met by completing either of the following:

12 (i) Preenrollment requirements, courses of study, attendance
13 requirements, and instructional hours at an agency basic law
14 enforcement training academy, a preservice college basic law
15 enforcement training academy, or a regional basic law enforcement
16 training academy.

17 (ii) The recognition of prior basic law enforcement training
18 and experience program for granting a waiver from the licensing
19 standard specified in subparagraph (i).

20 (b) Proficiency on a licensing examination administered after
21 compliance with the licensing standard specified in subdivision

22 (a).

23 (c) Physical ability.

24 (d) Psychological fitness.

25 (e) Education.

26 (f) Reading and writing proficiency.

27 (g) Minimum age.

28 (h) Whether or not a valid operator's or chauffeur's license
29 is required for licensure.

1 (i) Character fitness, as determined by a background
2 investigation supported by a written authorization and release
3 executed by the individual for whom licensure is sought.

4 (j) Whether or not United States citizenship is required for
5 licensure.

6 (k) Employment as a private college security officer as
7 defined in section 37 of the private security business and security
8 alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully
9 empowered by the chief of police of a village, city, or township
10 law enforcement agency, or deputized by a county sheriff as a
11 deputy sheriff, excluding deputation as a special deputy.

12 (l) The form and manner for execution of a written oath of
13 office by the chief of police of a village, city, or township law
14 enforcement agency, or by a county sheriff, and the content of the
15 written oath conferring the authority to enforce the general
16 criminal laws of this state.

17 (m) The ability to be licensed and employed as a law
18 enforcement officer under this section, without a restriction
19 otherwise imposed by law.

20 (4) The licensure process under this section must follow the
21 following procedures:

22 (a) Before executing the oath of office, the chief of police
23 of a village, city, or township law enforcement agency or the
24 county sheriff shall verify that the private college security
25 officer to whom the oath is administered complies with the
26 licensing standards.

27 (b) The chief of police of a village, city, or township law
28 enforcement agency or the county sheriff shall execute an oath of
29 office authorizing the private college security officer to enforce

1 the general criminal laws of this state.

2 (c) Not more than 10 calendar days after executing the oath of
3 office, the chief of police of a village, city, or township law
4 enforcement agency or the county sheriff shall attest in writing to
5 the commission that the private college security officer to whom
6 the oath was administered satisfies the licensing standards by
7 submitting an executed affidavit and a copy of the executed oath of
8 office.

9 (5) If upon reviewing the executed affidavit and oath of
10 office the commission determines that the private college security
11 officer complies with the licensing standards, the commission shall
12 grant the private college security officer a license.

13 (6) If upon reviewing the executed affidavit and oath of
14 office the commission determines that the private college security
15 officer does not comply with the licensing standards, the
16 commission may do any of the following:

17 (a) Supervise remediation of errors or omissions in the
18 affidavit or oath of office.

19 (b) Supervise the remediation of errors or omissions in the
20 screening, procedures, examinations, testing, and other means used
21 to verify compliance with the licensing standards.

22 (c) Supervise additional screening, procedures, examinations,
23 testing, and other means used to determine compliance with the
24 licensing standards.

25 (d) Deny the issuance of a license and inform the chief of
26 police of a village, city, or township law enforcement agency or
27 the county sheriff of the denial.

28 (7) Upon being informed that the commission has denied
29 issuance of a license, the chief of police of a village, city, or

1 township law enforcement agency or the county sheriff shall
2 promptly inform the private college security officer seeking
3 licensure that he or she has been denied issuance of a license
4 under this section.

5 (8) A private college security officer denied a license under
6 this section may not exercise the law enforcement authority
7 described in the oath of office. This subsection does not divest
8 the private college security officer of that authority until the
9 private college security officer has been informed that his or her
10 licensure was denied.

11 (9) A chief of police of a village, city, or township law
12 enforcement agency or a county sheriff who has administered an oath
13 of office to a private college security officer under this section
14 shall, with respect to that private college security officer, do
15 all of the following:

16 (a) Report to the commission concerning all personnel
17 transactions affecting employment status, in a manner prescribed in
18 rules promulgated by the commission.

19 (b) Report to the commission concerning any action taken by
20 the chief of police of a village, city, or township law enforcement
21 agency or the county sheriff that removes the authority conferred
22 by the oath of office or that restores the private college security
23 officer's authority conferred by the oath of office, in a manner
24 prescribed in rules promulgated by the commission.

25 (c) Maintain an employment history record.

26 (d) Collect, verify, and maintain documentation establishing
27 that the private college security officer complies with the
28 applicable licensing standards.

29 (10) If a private college or university appoints an individual

1 as a private college security officer under section 37 of the
2 private security business and security alarm act, 1968 PA 330, MCL
3 338.1087, and the private college security officer is licensed
4 under this section, the private college or university, with respect
5 to the private college security officer, shall do ~~all~~**both** of the
6 following:

7 (a) Report to the commission all personnel transactions
8 affecting employment status in a manner prescribed in rules
9 promulgated by the commission.

10 (b) Report to the chief of police of a village, city, or
11 township law enforcement agency or the county sheriff who
12 administered the oath of office to that private college security
13 officer all personnel transactions affecting employment status, in
14 a manner prescribed in rules promulgated by the commission.

15 (11) A private college security officer licensed under this
16 section shall report all of the following to the commission:

17 (a) Criminal charges for offenses for which the private
18 college security officer's license may be revoked as described in
19 this section upon being informed of such charges and in a manner
20 prescribed in rules promulgated by the commission.

21 (b) The imposition of a personal protection order against the
22 private college security officer after a judicial hearing under
23 section 2950 or 2950a of the revised judicature act of 1961, 1961
24 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other
25 jurisdiction, upon being informed of the imposition of such an
26 order, in a manner prescribed in rules promulgated by the
27 commission.

28 (12) A license granted under this section is rendered lapsed,
29 without barring further licensure under this act, if 1 or both of

1 the following occur:

2 (a) The private college security officer is no longer employed
3 as a private college security officer appointed under section 37 of
4 the private security business and security alarm act, 1968 PA 330,
5 MCL 338.1087, who is sworn and fully empowered by the chief of
6 police of a village, city, or township law enforcement agency, or
7 deputized by a county sheriff as a deputy sheriff, excluding
8 deputation as a special deputy, rendering the license lapsed.

9 (b) The private college security officer is subjected to a
10 removal of the authority conferred by the oath of office, rendering
11 the license lapsed.

12 (13) The commission shall revoke a license granted under this
13 section for any of the following and shall promulgate rules
14 governing these revocations:

15 (a) The private college security officer obtained the license
16 by making a materially false oral or written statement or
17 committing fraud in the affidavit, disclosure, or application to a
18 law enforcement training academy, the commission, or a law
19 enforcement agency at any stage of recruitment, selection,
20 appointment, enrollment, training, or licensure application.

21 (b) The private college security officer obtained the license
22 because another person made a materially false oral or written
23 statement or committed fraud in the affidavit, disclosure, or
24 application to a law enforcement training academy, the commission,
25 or a law enforcement agency at any stage of recruitment, selection,
26 appointment, enrollment, training, or licensure application.

27 (c) The private college security officer has been subjected to
28 an adjudication of guilt for a violation or attempted violation of
29 a penal law of this state or another jurisdiction that is

1 punishable by imprisonment for more than 1 year.

2 (d) The private college security officer has been subjected to
3 an adjudication of guilt for a violation or attempted violation of
4 1 or more of the following penal laws of this state or another
5 jurisdiction substantially corresponding to the penal laws of this
6 state:

7 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
8 300, MCL 257.625, if the individual has a prior conviction, as that
9 term is defined in section 625(25)(b) of the Michigan vehicle code,
10 1949 PA 300, MCL 257.625, that occurred within 7 years of the
11 adjudication as described in section 625(9)(b) of the Michigan
12 vehicle code, 1949 PA 300, MCL 257.625.

13 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
14 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

15 (iii) Section 81(4) or 81a or a misdemeanor violation of section
16 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
17 and 750.411h.

18 (14) The following procedures and requirements apply to
19 license revocation under this section:

20 (a) The commission shall initiate license revocation
21 proceedings, including, but not limited to, the issuance of an
22 order for summary suspension and notice of intent to revoke a
23 license upon obtaining notice of facts warranting license
24 revocation.

25 (b) A hearing for license revocation must be conducted as a
26 contested case under the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328.

28 (c) In lieu of participating in a contested case, a private
29 ~~security~~-college **security** officer may voluntarily and permanently

1 relinquish his or her law enforcement officer license under this
2 section by executing before a notary public an affidavit of license
3 relinquishment as prescribed by the commission.

4 (d) The commission need not delay or abate license revocation
5 proceedings based on an adjudication of guilt if an appeal is taken
6 from the adjudication of guilt.

7 (e) If the commission issues a final decision or order to
8 revoke a license, that decision or order is subject to judicial
9 review as provided in the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
11 in this section is not a final decision or order for purposes of
12 judicial review.

13 (15) A private college security officer licensed under this
14 section shall not exercise the law enforcement authority described
15 in the oath of office he or she executed if any of the following
16 occur:

17 (a) The private college security officer's license is rendered
18 void by a court order or other operation of law.

19 (b) The private college security officer's license is revoked.

20 (c) The private college security officer's license is rendered
21 lapsed.

22 **Sec. 9f. (1) Subject to appropriation, beginning March 1,**
23 **2022, an individual who is seeking to become licensed as a law**
24 **enforcement officer under section 9, 9b, 9c, or 9d shall complete**
25 **training that meets the standards under this section. A law**
26 **enforcement officer who is licensed under section 9, 9b, 9c, or 9d**
27 **on March 1, 2022, and who has not previously completed the training**
28 **under this section shall complete training that meets the standards**
29 **under this section.**

1 (2) Subject to appropriation and to subsection (4), not later
2 than December 31, 2021, the commission shall conduct or contract
3 for research and analysis to identify training gaps and begin to
4 adapt, adopt, or develop curriculum standards for training in the
5 following areas or other areas the commission determines to be
6 substantially similar:

7 (a) De-escalation techniques.

8 (b) Implicit bias training.

9 (c) Procedural justice training.

10 (d) Mental health resources and support available for law
11 enforcement officers.

12 (3) The curriculum standards for training on de-escalation
13 techniques may include any of the following:

14 (a) The employment of verbal and physical tactics to diffuse
15 volatile or potentially violent situations, including when they are
16 safe and feasible, with an emphasis on using communication,
17 negotiation, and de-escalation techniques.

18 (b) The level of force that is an objectively reasonable
19 response to an identified and articulable threat or resistance that
20 is based on information available at the time of the incident and
21 that requires constant reevaluation as circumstances dictate and
22 allow.

23 (c) Training that provides law enforcement officers with
24 awareness and recognition of indicators of physical and mental
25 disabilities, mental health issues, developmental disabilities, and
26 substance abuse issues with an emphasis on effective communication
27 and de-escalation techniques.

28 (d) As appropriate with the nature and immediacy of the threat
29 to public safety, the use of distance, cover, and time when

1 approaching and managing critical incidents, in order to help
2 create a safety zone between the law enforcement officer and
3 subject, to afford the officer more time to react to the
4 circumstances.

5 (e) A law enforcement officer's responsibility to intervene in
6 a situation if another law enforcement officer's actions indicate
7 that officer has lost self-control or use of force is not
8 objectively reasonable to the level of resistance encountered.

9 (f) Other evidence-based approaches, found to be appropriate
10 by the commission, that enhance de-escalation techniques and
11 skills.

12 (4) An individual seeking to become a law enforcement officer
13 licensed under this act or a person who is already a licensed law
14 enforcement officer under this act may meet the standards for
15 implicit bias training by completing an implicit bias training
16 course approved by the commission.

17 (5) Not later than January 1, 2022, each law enforcement
18 agency in this state shall adopt a written policy stating that each
19 of the law enforcement officers in its employ shall utilize de-
20 escalation techniques in his or her interactions with citizens to
21 the extent that is as reasonable and safe as possible.

22 (6) The commission shall make a model written policy meeting
23 the requirements of subsection (5) available on its website. A law
24 enforcement agency may fulfill its duty under subsection (5) by
25 adopting the written policy made available under this subsection.

26 (7) The commission shall promulgate rules pursuant to the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
28 24.328, to ensure compliance with this section, including a tiered
29 system of license sanctions up to license revocation for law

1 enforcement officers licensed under section 9, 9b, 9c, or 9d who
2 refuse to comply with the training requirements under this section.
3 The rules promulgated under this subsection pertaining to
4 revocation of a license must incorporate the requirements and
5 procedures in the same manner as provided in sections 9(13),
6 9b(13), 9c(12), and 9d(14).

7 (8) As used in this section:

8 (a) "Curriculum" means a structure of educational standards
9 that identifies behavioral objectives and outcomes.

10 (b) "De-escalation technique" means a method or methods
11 intended to diffuse potentially volatile or violent situations with
12 the goal of reducing the level of subject control required to
13 resolve the situation in an objectively reasonable and safe manner.

14 (c) "Implicit bias training" means an evidence-based training
15 that provides instruction regarding the bias implicit in all human
16 beings and how to help ensure unconscious bias does not inhibit
17 fair and impartial law enforcement.

18 (d) "Procedural justice training" means training based on the
19 principles of treating people with dignity and respect, giving
20 citizens a voice during encounters, being neutral in decision
21 making, and conveying trustworthy motives while emphasizing law
22 enforcement's role in the context of the larger criminal justice
23 system.

24 (e) "Training gap" means identified behavioral or performance
25 deficiencies caused by a lack of skill or knowledge.

26 Sec. 9g. (1) Subject to appropriation, a law enforcement
27 officer licensed under this act shall complete not less than 12
28 hours of continuing education in subjects related to law
29 enforcement on or after January 1, 2022 and before January 1, 2023.

1 (2) Subject to appropriation, beginning January 1, 2023, a law
2 enforcement officer licensed under this act shall annually complete
3 not less than 24 hours of continuing education in subjects related
4 to law enforcement.

5 (3) The commission shall promulgate rules to implement this
6 section pursuant to the administrative procedures act of 1969, 1969
7 PA 306, MCL 24.201 to 24.328.