

**SUBSTITUTE FOR
SENATE BILL NO. 92**

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending sections 1, 2, 3, 5, 6, 7, 9, 9a, 9b, 9c, 10, 11, 12,
and 14 (MCL 28.601, 28.602, 28.603, 28.605, 28.606, 28.607, 28.609,
28.609a, 28.609b, 28.609c, 28.610, 28.611, 28.612, and 28.614),
sections 1, 3, 5, 6, 7, 11, 12, and 14 as amended and sections 9a,
9b, and 9c as added by 1998 PA 237, section 2 as amended by 2013 PA
170, section 9 as amended by 2005 PA 239, and section 10 as amended
by 2010 PA 67; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
2 "**MICHIGAN** commission on law enforcement standards act".
3 Sec. 2. As used in this act:

~~1 (a) "Certificate" means a numbered document issued by the~~
~~2 commission to a person who has received certification under this~~
~~3 act.~~

~~4 (b) "Certification" means any of the following:~~

~~5 (i) A determination by the commission that a person meets the~~
~~6 law enforcement officer minimum standards to be employed as a~~
~~7 commission certified law enforcement officer and that the person is~~
~~8 authorized under this act to be employed as a law enforcement~~
~~9 officer.~~

~~10 (ii) A determination by the commission that a person was~~
~~11 employed as a law enforcement officer before January 1, 1977 and~~
~~12 that the person is authorized under this act to be employed as a~~
~~13 law enforcement officer.~~

~~14 (iii) A determination by the commission that a person satisfies~~
~~15 the requirements set forth in a recommendation of the commission to~~
~~16 and approved by the legislature on the feasibility of interstate~~
~~17 reciprocity of certification of everyone that was employed as a law~~
~~18 enforcement officer of another state within the previous 12 months,~~
~~19 and that state maintains standards substantially similar to law~~
~~20 enforcement officer minimum standards.~~

21 (A) "ADJUDICATION OF GUILT" MEANS ANY OF THE FOLLOWING:

22 (i) ENTRY OF A JUDGMENT OR VERDICT OF GUILTY, OR GUILTY BUT
23 MENTALLY ILL, FOLLOWING A TRIAL.

24 (ii) ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE.

25 (iii) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
26 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ORDER ENTERED UNDER
27 SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA

175, MCL 771.1, OR ANY OTHER ORDER DELAYING SENTENCE.

(iv) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ASSIGNMENT TO THE
STATUS OF YOUTHFUL TRAINEE UNDER THE HOLMES YOUTHFUL TRAINEE ACT,
AS PROVIDED IN SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
PROCEDURE, 1927 PA 175, MCL 762.11.

(v) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7411.

(vi) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
MCL 769.4A.

(B) ~~(e)~~—"Commission" means the MICHIGAN commission on law
enforcement standards created in ~~section 3.~~ THIS ACT OR, BY EXPRESS
DELEGATION OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS,
ITS EXECUTIVE DIRECTOR AND STAFF.

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

(D) ~~(e)~~—"Executive director" means the executive director of
the commission appointed under ~~section 12.~~ THIS ACT.

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

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

~~(ii) Expressly designated a felony by statute.~~

~~(g) "Fund" means the law enforcement officers training fund~~

~~created in section 13.~~

~~———— (h) "Law enforcement officer minimum standards" means standards established by the commission under this act that a person must meet to be eligible for certification under section 9a(1).~~

~~———— (i) "Law enforcement officer of a Michigan Indian tribal police force" means a regularly employed member of a police force of a Michigan Indian tribe who was appointed under former 25 CFR 12.100 to 12.103.~~

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

(E) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS STATE AND IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT OR EMPLOY LAW ENFORCEMENT OFFICERS.

(F) "LAW ENFORCEMENT OFFICER" MEANS:

(i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), AN INDIVIDUAL EMPLOYED BY A LAW ENFORCEMENT AGENCY AS 1 OR MORE OF THE FOLLOWING:

(A) AN INDIVIDUAL AUTHORIZED BY LAW, INCLUDING COMMON LAW, TO PREVENT AND DETECT CRIME AND ENFORCE THE GENERAL CRIMINAL LAWS OF THIS STATE. THIS DOES NOT INCLUDE AN INDIVIDUAL SERVING SOLELY BECAUSE HE OR SHE OCCUPIES ANY OTHER OFFICE OR POSITION.

(B) AN INDIVIDUAL EMPLOYED AS A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER BY A FEDERALLY RECOGNIZED INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS STATE, SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

1 (C) THE SERGEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS OF
2 EITHER HOUSE OF THE LEGISLATURE WHO IS COMMISSIONED AS A POLICE
3 OFFICER BY THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS PROVIDED BY
4 THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT, 2001 PA 185,
5 MCL 4.381 TO 4.382.

6 (D) A LAW ENFORCEMENT OFFICER OF A MULTICOUNTY METROPOLITAN
7 DISTRICT AS PROVIDED UNDER SECTION 3 OF THE PUBLIC BODY LAW
8 ENFORCEMENT AGENCY ACT, 2004 PA 378, MCL 28.583, SUBJECT TO THE
9 LIMITATIONS OF SECTION 9(1).

10 (E) A COUNTY PROSECUTING ATTORNEY'S INVESTIGATOR SWORN AND
11 FULLY EMPOWERED BY THE SHERIFF OF THAT COUNTY AS PROVIDED UNDER
12 ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND SECTION 70 OF
13 1846 RS 14, MCL 51.70.

14 (F) A FIRE ARSON INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A
15 VILLAGE, CITY, TOWNSHIP, OR COUNTY WHO IS SWORN AND FULLY EMPOWERED
16 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

17 (G) OFFICERS AND INVESTIGATORS APPOINTED BY STATE DEPARTMENTS
18 REPRESENTED ON THE MICHIGAN HIGHWAY RECIPROCITY BOARD AS PROVIDED
19 UNDER SECTION 15 OF 1960 PA 124, MCL 3.175.

20 (H) A SUPERINTENDENT, WATCHPERSON, OR GUARD APPOINTED OR
21 CHOSEN AS PROVIDED UNDER SECTIONS 1 AND 3 OF 1905 PA 80, MCL 19.141
22 AND 19.143.

23 (I) A COMMISSIONER OR OFFICER OF THE DEPARTMENT OF STATE
24 POLICE APPOINTED AS PROVIDED UNDER SECTION 6 OF 1935 PA 59, MCL
25 28.6.

26 (J) A CONSERVATION OFFICER APPOINTED BY THE DEPARTMENT OF
27 STATE POLICE AS PROVIDED UNDER SECTION 6A OF 1935 PA 59, MCL 28.6A.

1 (K) AN OFFICER APPOINTED BY A PUBLIC BODY AS PROVIDED UNDER
2 SECTION 3 OF THE PUBLIC BODY LAW ENFORCEMENT AGENCY ACT, 2004 PA
3 378, MCL 28.583.

4 (L) A GENERAL LAW TOWNSHIP CONSTABLE APPOINTED TO PERFORM BOTH
5 STATUTORY CRIMINAL AND CIVIL DUTIES AS PROVIDED UNDER SECTION 82 OF
6 1846 RS 16, MCL 41.82.

7 (M) AN OFFICER APPOINTED TO A GENERAL LAW TOWNSHIP POLICE
8 DEPARTMENT AS PROVIDED UNDER SECTION 6 OF 1951 PA 33, MCL 41.806.

9 (N) A MARSHAL, POLICEMAN, WATCHMAN, OR OFFICER APPOINTED TO A
10 CHARTER TOWNSHIP POLICE FORCE AS PROVIDED UNDER SECTION 12 OF THE
11 CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.12.

12 (O) A PARK RANGER APPOINTED BY A COUNTY OR REGIONAL PARKS AND
13 RECREATION COMMISSION AS PROVIDED UNDER SECTION 14 OF 1965 PA 261,
14 MCL 46.364.

15 (P) A SHERIFF ELECTED AS PROVIDED UNDER ARTICLE VII OF THE
16 STATE CONSTITUTION OF 1963 OR APPOINTED AS PROVIDED UNDER ARTICLE V
17 OF THE STATE CONSTITUTION OF 1963.

18 (Q) AN UNDERSHERIFF OR DEPUTY SHERIFF APPOINTED AS PROVIDED
19 UNDER SECTION 70 OF 1846 RS 14, MCL 51.70.

20 (R) A POLICE OFFICER APPOINTED BY A GENERAL LAW VILLAGE AS
21 PROVIDED UNDER SECTION 13 OF THE GENERAL LAW VILLAGE ACT, 1895 PA
22 3, MCL 70.13.

23 (S) A POLICE OFFICER APPOINTED BY A HOME RULE VILLAGE AS
24 PROVIDED UNDER SECTION 22 OF THE HOME RULE VILLAGE ACT, 1909 PA
25 278, MCL 78.22.

26 (T) A MARSHAL APPOINTED TO SERVE AS CHIEF OF POLICE OF A
27 FOURTH CLASS CITY AS PROVIDED UNDER SECTION 16 OF CHAPTER I OF THE

1 FOURTH CLASS CITY ACT, 1895 PA 215, MCL 87.16.

2 (U) A CONSTABLE APPOINTED BY A FOURTH CLASS CITY AS PROVIDED
3 UNDER SECTION 24 OF CHAPTER VII OF THE FOURTH CLASS CITY ACT, 1895
4 PA 215, MCL 87.24.

5 (V) A POLICE CHIEF, POLICEMAN, OR NIGHTWATCHMAN APPOINTED BY A
6 FOURTH CLASS CITY AS PROVIDED UNDER SECTION 1 OF CHAPTER XII OF THE
7 FOURTH CLASS CITY ACT, 1895 PA 215, MCL 92.1.

8 (W) A POLICE OFFICER OR CONSTABLE APPOINTED BY A HOME RULE
9 CITY AS PROVIDED UNDER SECTIONS 3 AND 32 OF THE HOME RULE CITY ACT,
10 1909 PA 279, MCL 117.3 AND 117.32.

11 (X) AN AIRPORT LAW ENFORCEMENT OFFICER, GUARD, OR POLICE
12 OFFICER APPOINTED BY A PUBLIC AIRPORT AUTHORITY AS PROVIDED UNDER
13 SECTION 116 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945
14 PA 327, MCL 259.116.

15 (Y) A CONSERVATION OFFICER APPOINTED BY THE DIRECTOR OF THE
16 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED UNDER SECTION 1 OF 1986
17 PA 109, MCL 300.21, OR SECTIONS 1501, 1601, AND 1606(1) OF THE
18 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
19 MCL 324.1501, 324.1601, AND 324.1606.

20 (Z) A PUBLIC SAFETY OFFICER APPOINTED TO A DEPARTMENT OF
21 PUBLIC SAFETY AS PROVIDED UNDER SECTION 1606B OF THE REVISED SCHOOL
22 CODE, 1976 PA 451, MCL 380.1606B.

23 (AA) A PUBLIC SAFETY OFFICER APPOINTED BY A COMMUNITY COLLEGE
24 AS PROVIDED UNDER SECTION 128 OF THE COMMUNITY COLLEGE ACT OF 1966,
25 1966 PA 331, MCL 389.128.

26 (BB) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL
27 OF SAGINAW VALLEY STATE UNIVERSITY AS PROVIDED UNDER SECTION 5A OF

1 1965 PA 278, MCL 390.715A.

2 (CC) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL
3 OF A HIGHER EDUCATION INSTITUTION AS PROVIDED UNDER SECTION 1 OF
4 1990 PA 120, MCL 390.1511.

5 (DD) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
6 PROVIDED UNDER SECTION 10 OF THE MEDICAID FALSE CLAIM ACT, 1977 PA
7 72, MCL 400.610.

8 (EE) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
9 PROVIDED UNDER SECTION 8 OF THE HEALTH CARE FALSE CLAIM ACT, 1984
10 PA 323, MCL 752.1008.

11 (FF) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
12 PROVIDED UNDER SECTION 35 OF 1846 RS 12, MCL 14.35.

13 (GG) A RAILROAD POLICE OFFICER ACTING AS PROVIDED UNDER
14 SECTION 367 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.367.

15 (HH) AN INSPECTOR APPOINTED BY THE STATE TRANSPORTATION
16 COMMISSION AS PROVIDED UNDER SECTION 13 OF THE MOTOR CARRIER ACT,
17 1933 PA 254, MCL 479.13.

18 (II) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
19 DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2 OR MORE
20 MUNICIPAL CORPORATIONS UNDER SECTION 1 OF 1951 PA 35, MCL 124.1.

21 (JJ) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
22 DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL AGREEMENT
23 ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX
24 SESS) PA 7, MCL 124.501 TO 124.512.

25 (KK) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
26 DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF FUNCTIONS OR
27 RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536.

1 (LL) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
2 DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS GIVEN A
3 COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS PROVIDED
4 UNDER 1988 PA 57, MCL 124.601 TO 124.614.

5 (ii) "LAW ENFORCEMENT OFFICER" DOES NOT INCLUDE ANY OF THE
6 FOLLOWING:

7 (A) A GENERAL LAW TOWNSHIP CONSTABLE APPOINTED AS A DISTRICT
8 COURT OFFICER OR APPOINTED TO PERFORM CIVIL DUTIES, BUT NOT
9 STATUTORY CRIMINAL DUTIES, AS PROVIDED IN SECTION 82 OF 1846 RS 16,
10 MCL 41.82.

11 (B) A TEMPORARY POLICEMAN APPOINTED UNDER SECTION 2 OF CHAPTER
12 XII OF THE FOURTH CLASS CITY ACT, 1895 PA 215, MCL 92.2.

13 (C) AN INDIVIDUAL AUTHORIZED TO ISSUE CITATIONS AS A VOLUNTEER
14 AS PROVIDED UNDER SECTION 675D OF THE MICHIGAN VEHICLE CODE, 1949
15 PA 300, MCL 257.675D.

16 (D) A SECURITY EMPLOYEE APPOINTED BY THE DIRECTOR OF THE
17 DEPARTMENT OF STATE POLICE AS PROVIDED UNDER SECTION 6C OF 1935 PA
18 59, MCL 28.6C.

19 (E) A MOTOR CARRIER OFFICER APPOINTED BY THE DEPARTMENT OF
20 STATE POLICE AS PROVIDED IN SECTION 6D OF 1935 PA 59, MCL 28.6D,
21 SECTION 5 OF 1956 PA 62, MCL 257.955, AND SECTION 73 OF 1990 PA
22 187, MCL 257.1873.

23 (F) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE GRANTED
24 PEACE OFFICER AUTHORITY AS PROVIDED IN SECTION 9H OF THE MOTOR
25 FUELS QUALITY ACT, 1984 PA 44, MCL 290.649H.

26 (G) AN AGENT OF THE DEPARTMENT OF LICENSING AND REGULATORY
27 AFFAIRS GRANTED PEACE OFFICER AUTHORITY AS PROVIDED IN SECTION 27

1 OF THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA
2 330, MCL 338.1077.

3 (H) AN ATTENDANCE OFFICER GRANTED THE POWERS OF A DEPUTY
4 SHERIFF AS PROVIDED IN SECTION 1571 OF THE REVISED SCHOOL CODE,
5 1976 PA 451, MCL 380.1571.

6 (I) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION
7 1606(2) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
8 1994 PA 451, MCL 324.1606.

9 (J) A VOLUNTEER CONSERVATION OFFICER APPOINTED BY THE
10 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 1607 OF THE
11 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
12 MCL 324.1607.

13 (K) A STATE FOREST OFFICER APPOINTED BY THE DIRECTOR OF THE
14 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 83107 OF THE
15 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
16 MCL 324.83107.

17 (L) A SPECIAL DEPUTY APPOINTED BY A SHERIFF TO DO PARTICULAR
18 ACTS UNDER SECTION 70 OF 1846 RS 14, MCL 51.70.

19 (M) AN OFFICER APPOINTED TO CONDUCT SALVAGE VEHICLE
20 INSPECTIONS AS PROVIDED IN SECTION 217C OF THE MICHIGAN VEHICLE
21 CODE, 1949 PA 300, MCL 257.217C, WHO IS NOT OTHERWISE EMPLOYED AS A
22 LAW ENFORCEMENT OFFICER.

23 (N) A PRIVATE SECURITY GUARD, PRIVATE SECURITY POLICE OFFICER,
24 OR PRIVATE COLLEGE SECURITY FORCE OFFICER EMPLOYED OR APPOINTED AS
25 PROVIDED IN THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT,
26 1968 PA 330, MCL 338.1051 TO 338.1092.

27 (O) THE ATTORNEY GENERAL.

1 (P) THE SECRETARY OF STATE.

2 (Q) A MEMBER OF THE HIGHWAY RECIPROCITY BOARD GRANTED PEACE
3 OFFICER AUTHORITY UNDER SECTION 15 OF 1960 PA 124, MCL 3.175.

4 (R) A MEMBER OF A SHERIFF'S POSSE.

5 (S) A RESERVE OFFICER.

6 (T) AN OFFICER OR INVESTIGATOR APPOINTED BY THE DEPARTMENT OF
7 STATE UNDER SECTION 213 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
8 MCL 257.213.

9 (U) AN AUTHORIZED AGENT OF THE STATE TRANSPORTATION DEPARTMENT
10 OR A COUNTY ROAD COMMISSION PERFORMING DUTIES AUTHORIZED UNDER
11 SECTION 724 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.724.

12 (V) AN ENFORCEMENT OFFICER APPOINTED BY THE AERONAUTICS
13 COMMISSION UNDER SECTION 55 OF THE AERONAUTICS CODE OF THE STATE OF
14 MICHIGAN, 1945 PA 327, MCL 259.55.

15 (W) A RAILROAD CONDUCTOR ACTING UNDER SECTION 3 OF 1913 PA 68,
16 MCL 436.203.

17 (X) AN INSPECTOR AUTHORIZED TO ENFORCE THE MICHIGAN LIQUOR
18 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, AND
19 RULES PROMULGATED BY THE LIQUOR CONTROL COMMISSION AS PROVIDED IN
20 SECTION 201 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
21 58, MCL 436.1201.

22 (Y) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
23 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2
24 OR MORE MUNICIPAL CORPORATIONS UNDER 1951 PA 35, MCL 124.1 TO
25 124.13.

26 (Z) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
27 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL

1 AGREEMENT ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967,
2 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

3 (AA) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
4 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF
5 FUNCTIONS OR RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL
6 124.531 TO 124.536.

7 (BB) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
8 ENFORCEMENT DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS
9 GIVEN A COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS
10 PROVIDED UNDER 1988 PA 57, MCL 124.601 TO 124.614.

11 (CC) A MARSHAL APPOINTED AS PROVIDED IN SECTION 11 OF 1889 PA
12 39, MCL 455.61, OR SECTION 15 OF 1929 PA 137, MCL 455.215.

13 (G) "LAW ENFORCEMENT TRAINING ACADEMY" MEANS ANY OF THE
14 FOLLOWING:

15 (i) AN AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMY.

16 (ii) A PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING
17 ACADEMY.

18 (iii) A REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY.

19 (H) "LICENSE" MEANS DOCUMENTATION OF LICENSURE BY THE
20 COMMISSION UNDER THIS ACT.

21 (I) "LICENSING STANDARDS" MEANS THE REQUIREMENTS WITH WHICH A
22 PERSON MUST COMPLY FOR LICENSURE AS A LAW ENFORCEMENT OFFICER UNDER
23 THIS ACT.

24 (J) "LICENSURE" MEANS A DETERMINATION BY THE COMMISSION THAT
25 BOTH OF THE FOLLOWING OCCURRED IN COMPLIANCE WITH THIS ACT AND
26 RULES PROMULGATED UNDER THE AUTHORITY OF THIS ACT:

27 (i) THE PERSON TO WHOM THE LICENSE IS ISSUED COMMENCED

1 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER, SUBJECT TO A WRITTEN OATH
2 OF OFFICE OR OTHER WRITTEN INSTRUMENT CONFERRING LAW ENFORCEMENT
3 AUTHORITY.

4 (ii) THE LAW ENFORCEMENT AGENCY EMPLOYING THE INDIVIDUAL, OR
5 THE LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING
6 LAW ENFORCEMENT AUTHORITY UPON THE INDIVIDUAL, ATTESTED TO THE
7 COMMISSION THAT THE INDIVIDUAL COMPLIED WITH THE LICENSING
8 STANDARDS.

9 (K) "MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER" MEANS AN
10 INDIVIDUAL EMPLOYED AS A LAW ENFORCEMENT OFFICER BY A FEDERALLY
11 RECOGNIZED INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS
12 STATE, SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL
13 TO ENFORCE THE LAWS OF THIS STATE.

14 (I) ~~(k)~~ "Multicounty metropolitan district" means an entity
15 authorized and established by state law by 2 or more counties with
16 a combined population of not less than 3,000,000, for the purpose
17 of cooperative planning, promoting, acquiring, constructing,
18 owning, developing, maintaining, or operating parks.

19 ~~—— (I) "Police officer" or "law enforcement officer" means, unless~~
20 ~~the context requires otherwise, any of the following:~~

21 ~~—— (i) A regularly employed member of a law enforcement agency~~
22 ~~authorized and established by law, including common law, who is~~
23 ~~responsible for the prevention and detection of crime and the~~
24 ~~enforcement of the general criminal laws of this state. Police~~
25 ~~officer or law enforcement officer does not include a person~~
26 ~~serving solely because he or she occupies any other office or~~
27 ~~position.~~

~~1 (ii) A law enforcement officer of a Michigan Indian tribal
2 police force, subject to the limitations set forth in section 9(7).~~

~~3 (iii) The sergeant at arms or any assistant sergeant at arms of
4 either house of the legislature who is commissioned as a police
5 officer by that respective house of the legislature as provided by
6 the legislative sergeant at arms police powers act, 2001 PA 185,
7 MCL 4.381 to 4.382.~~

~~8 (iv) A law enforcement officer of a multicounty metropolitan
9 district, subject to the limitations of section 9(8).~~

~~10 (v) A county prosecuting attorney's investigator sworn and
11 fully empowered by the sheriff of that county.~~

~~12 (vi) A fire arson investigator from a fire department within a
13 village, city, township, or county who is sworn and fully empowered
14 by the chief of police of that village, city, township, or county.~~

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

Sec. 3. (1) The **MICHIGAN** commission on law enforcement
standards is created to carry out the intent of this act.

(2) The commission consists of the following ~~11~~ members:

(a) The attorney general, or his or her designated
representative **FROM WITHIN THE DEPARTMENT OF ATTORNEY GENERAL.**

(b) The director of the department of state police, or his or
her designated representative **WHO IS A POLICE OFFICER WITHIN THE
DEPARTMENT OF STATE POLICE.**

(c) **THE CHIEF OF A POLICE DEPARTMENT OF A CITY THAT HAS A
POPULATION OF MORE THAN 600,000, OR HIS OR HER DESIGNEE WHO IS A
COMMAND OFFICER WITHIN THAT DEPARTMENT.**

1 (D) ~~(c) Nine~~ **THE FOLLOWING** members appointed by the governor,
 2 ~~with the advice and consent of~~ **SUBJECT TO DISAPPROVAL BY** the senate
 3 **UNDER SECTION 6 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963,** as
 4 follows:

5 (i) Three individuals selected from a list of ~~6~~ **NOT FEWER THAN**
 6 9 active voting members of and submitted by the Michigan
 7 association of chiefs of police. ~~or its successor organization.~~

8 (ii) Three individuals selected from a list of ~~6~~ **NOT FEWER THAN**
 9 9 elected sheriffs submitted by the Michigan sheriffs' association.
 10 ~~or its successor organization.~~

11 (iii) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
 12 **COUNTY PROSECUTING ATTORNEYS SUBMITTED BY THE PROSECUTING ATTORNEYS**
 13 **ASSOCIATION OF MICHIGAN.**

14 (iv) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
 15 **INDIVIDUALS SUBMITTED BY THE CRIMINAL DEFENSE ATTORNEYS OF**
 16 **MICHIGAN.**

17 (v) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
 18 **INDIVIDUALS SUBMITTED BY THE MICHIGAN STATE POLICE TROOPERS**
 19 **ASSOCIATION.**

20 (vi) ~~(iii)~~ One individual selected from a list of **NOT FEWER THAN**
 21 3 names submitted by the Michigan chapter of the fraternal order of
 22 the police. ~~or its successor organization.~~

23 (vii) ~~(iv)~~ One individual selected from a list of **NOT FEWER THAN**
 24 3 names submitted by the police officers association of Michigan.
 25 ~~or its successor organization.~~

26 (viii) ~~(v)~~ One individual selected from a list of **NOT FEWER THAN**
 27 3 individuals submitted by the ~~Detroit police officers associations~~

1 ~~or their successor organizations.~~ A POLICE ASSOCIATION NOT OTHERWISE
 2 REPRESENTED ON THE COMMISSION REPRESENTING LAW ENFORCEMENT OFFICERS
 3 EMPLOYED BY A LAW ENFORCEMENT AGENCY EMPLOYING MORE THAN 10% OF THE
 4 POLICE OFFICERS IN THIS STATE.

5 (ix) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN 3
 6 INDIVIDUALS NOMINATED BY THE POLICE OFFICERS LABOR COUNCIL OF
 7 MICHIGAN.

8 (x) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN 3
 9 INDIVIDUALS NOMINATED BY THE MICHIGAN ASSOCIATION OF POLICE.

10 (xi) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN 3
 11 INDIVIDUALS SUBMITTED BY THE DEPUTY SHERIFF'S ASSOCIATION OF
 12 MICHIGAN.

13 (xii) THE GOVERNOR MAY APPOINT ANY INDIVIDUAL MEETING THE
 14 MEMBERSHIP REQUIREMENTS OF THE ORGANIZATIONS LISTED IN
 15 SUBPARAGRAPHS (i) TO (xi) IF THE ORGANIZATION PERMITTED TO SUBMIT A
 16 LIST OF INDIVIDUALS FAILS TO SUBMIT A COMPLETE LIST OF QUALIFIED
 17 NOMINEES AT LEAST 30 DAYS BEFORE A VACANCY CREATED BY THE
 18 EXPIRATION OF A TERM, OR NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE
 19 DATE OF ANY OTHER VACANCY.

20 (E) ~~(d)~~ An individual selected under subdivision ~~(e)~~ (D) shall
 21 serve as a commission member only while serving as a member of the
 22 ~~respective organizations in subparagraphs (i) to (v).~~ ORGANIZATION
 23 THAT SUBMITTED HIS OR HER NAME TO THE GOVERNOR FOR APPOINTMENT.

24 (F) MEMBERS OF THE COMMISSION APPOINTED OR REAPPOINTED UNDER
 25 SUBDIVISION (D) (i) TO (xi) SHALL BE APPOINTED FOR A TERM OF 4 YEARS
 26 EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED TO THE COMMISSION, 4
 27 SHALL SERVE FOR 1 YEAR, 4 SHALL SERVE FOR 2 YEARS, AND 4 SHALL

1 SERVE FOR 3 YEARS.

2 (G) APPOINTMENTS UNDER SUBDIVISION (D) SCHEDULED TO EXPIRE ON
3 NOVEMBER 1, 2016 ARE EXTENDED THROUGH DECEMBER 31, 2016.

4 (H) THE EXPIRATION DATES OF APPOINTMENTS UNDER SUBDIVISION (D)
5 SHALL BE DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THEY EXPIRE.

6 ~~—— (3) The terms of the members of the law enforcement officers~~
7 ~~training council expire on the date that all members of the~~
8 ~~commission on law enforcement standards are appointed.~~

9 (3) A VACANCY ON THE COMMISSION OCCURRING OTHER THAN BY
10 EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR IN THE SAME
11 MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED
12 TERM.

13 Sec. 5. (1) The commission shall elect from among its members
14 a chairperson and a vice-chairperson who shall serve for 1-year
15 terms and who may be reelected.

16 (2) Membership on the commission does not constitute holding a
17 public office, and members of the commission are not required to
18 take and file oaths of office before serving on the commission.

19 ~~—— (3) The commission does not have the right to exercise any~~
20 ~~portion of the sovereign power of the state.~~

21 (3) ~~(4)~~ A member of the commission is not disqualified from
22 holding any public office or employment by reason of his or her
23 appointment or membership on the commission and shall not forfeit
24 any public office or employment because of his or her appointment
25 to the commission, notwithstanding any general, special, or local
26 law, ordinance, or city charter.

27 Sec. 6. (1) The commission shall meet not less than 4 times in

1 each year and shall hold special meetings when called by the
2 chairperson or, in the absence of the chairperson, by the vice-
3 chairperson. A special meeting of the commission shall be called by
4 the chairperson upon the written request of 5 members of the
5 commission.

6 (2) The commission shall establish its own procedures and
7 requirements with respect to quorum, place and conduct of its
8 meetings, and other matters.

9 (3) **THE COMMISSION MAY ESTABLISH OTHER PROCEDURES AND**
10 **REQUIREMENTS GOVERNING ITS OPERATIONS TO CARRY OUT THE INTENT OF**
11 **THIS ACT.**

12 (4) ~~(3)~~—The commission's business shall be conducted in
13 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
14 15.275. Public notice of the time, date, and place of the meeting
15 shall be given in the manner required by the open meetings act,
16 1976 PA 267, MCL 15.261 to 15.275. **ACTION MAY BE TAKEN BY THE**
17 **COMMISSION AT A MEETING UPON A VOTE OF THE MAJORITY OF ITS MEMBERS**
18 **PRESENT.**

19 Sec. 7. The commission shall make an annual report to the
20 governor that includes pertinent data regarding the law enforcement
21 officer minimum standards and the degree of participation of
22 municipalities in the training programs, **AS WELL AS ANY OTHER**
23 **INFORMATION THE GOVERNOR REQUESTS OR THE COMMISSION CONSIDERS**
24 **APPROPRIATE.**

25 Sec. 9. ~~(1) The commission shall promulgate rules to establish~~
26 ~~law enforcement officer minimum standards. The rules do not apply~~
27 ~~to a member of a sheriff's posse or a police auxiliary temporarily~~

~~performing his or her duty under the direction of the sheriff or police department. In promulgating the law enforcement officer minimum standards, the commission shall give consideration to the varying factors and special requirements of local police agencies. The law enforcement officer minimum standards shall include all of the following:~~

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

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

~~—— (c) Minimum basic training requirements that a person, excluding sheriffs, shall complete before being eligible for certification under section 9a(1).~~

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

~~—— (a) The person has been employed 1 year or less as a commission certified law enforcement officer and is again employed as a law enforcement officer within 1 year after discontinuing employment as a commission certified law enforcement officer.~~

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

1 ~~—— (c) The person has been employed 5 years or more as a~~
2 ~~commission certified law enforcement officer and is again employed~~
3 ~~as a law enforcement officer within 2 years after discontinuing~~
4 ~~employment as a commission certified law enforcement officer.~~

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

10 ~~—— (3) A commission certified law enforcement officer who is a~~
11 ~~member of any of the reserve components of the United States armed~~
12 ~~forces and who is called to active duty in the armed forces is not~~
13 ~~considered to have discontinued his or her employment as a~~
14 ~~commission certified law enforcement officer under section~~
15 ~~9a(4)(b). The person's certification under section 9a(1) shall not~~
16 ~~become void during that term of active military service. However,~~
17 ~~the certification of a certified law enforcement officer described~~
18 ~~in this subsection may be revoked under section 9b if the officer~~
19 ~~committed an offense during the period of active duty in the armed~~
20 ~~forces that resulted in a conviction enumerated in section 9b(1).~~
21 ~~As used in this subsection, "reserve components of the United~~
22 ~~States armed forces" means that term as defined in section 2 of the~~
23 ~~military family relief fund act, 2004 PA 363, MCL 35.1212. This~~
24 ~~subsection does not apply to a commission certified law enforcement~~
25 ~~officer who volunteers for a term of active military service or who~~
26 ~~voluntarily extends a term of active military service that began~~
27 ~~when he or she was called to active duty. This subsection does not~~

~~1 apply to a commission certified law enforcement officer who is
2 dishonorably discharged from a term of active military service.~~

~~3 ——— (4) The commission shall promulgate rules with respect to all
4 of the following:~~

~~5 ——— (a) The categories or classifications of advanced in-service
6 training programs for commission certified law enforcement officers
7 and minimum courses of study and attendance requirements for the
8 categories or classifications.~~

~~9 ——— (b) The establishment of subordinate regional training centers
10 in strategic geographic locations in order to serve the greatest
11 number of police agencies that are unable to support their own
12 training programs.~~

~~13 ——— (c) The commission's acceptance of certified basic police
14 training and law enforcement experience received by a person in
15 another state in fulfillment in whole or in part of the law
16 enforcement officer minimum standards.~~

~~17 ——— (d) The commission's approval of police training schools
18 administered by a city, county, township, village, corporation,
19 college, community college or university.~~

~~20 ——— (e) The minimum qualifications for instructors at approved
21 police training schools.~~

~~22 ——— (f) The minimum facilities and equipment required at approved
23 police training schools.~~

~~24 ——— (g) The establishment of preservice basic training programs at
25 colleges and universities.~~

~~26 ——— (h) Acceptance of basic police training and law enforcement
27 experience received by a person in fulfillment in whole or in part~~

~~of the law enforcement officer minimum standards prepared and published by the commission if both of the following apply:~~

~~—— (i) The person successfully completed the basic police training in another state or through a federally operated police training school that was sufficient to fulfill the minimum standards required by federal law to be appointed as a law enforcement officer of a Michigan Indian tribal police force.~~

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

~~—— (5) Except as otherwise provided in this section, a regularly employed person employed on or after January 1, 1977 as a member of a police force having a full time officer is not empowered to exercise all the authority of a peace officer in this state, or be employed in a position for which the authority of a peace officer is conferred by statute, unless the person has received certification under section 9a(1).~~

~~—— (6) A law enforcement officer employed before January 1, 1977 may continue his or her employment as a law enforcement officer and participate in training programs on a voluntary or assigned basis but failure to obtain certification under section 9a(1) or (2) is not grounds for dismissal of or termination of that employment as a law enforcement officer. A person who was employed as a law enforcement officer before January 1, 1977 who fails to obtain certification under section 9a(1) and who voluntarily or involuntarily discontinues his or her employment as a law enforcement officer may be employed as a law enforcement officer if he or she was employed 5 years or more as a law enforcement officer~~

~~and is again employed as a law enforcement officer within 2 years after discontinuing employment as a law enforcement officer.~~

~~—— (7) A law enforcement officer of a Michigan Indian tribal police force is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:~~

~~—— (a) The tribal law enforcement officer is certified under this act.~~

~~—— (b) The tribal law enforcement officer is 1 of the following:~~

~~—— (i) Deputized by the sheriff of the county in which the trust lands of the Michigan Indian tribe employing the tribal law enforcement officer are located, or by the sheriff of any county that borders the trust lands of that Michigan Indian tribe, pursuant to section 70 of 1846 RS 14, MCL 51.70.~~

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

~~—— (c) The deputation or appointment of the tribal law enforcement officer described in subdivision (b) is made pursuant to a written contract that includes terms the appointing authority under subdivision (b) may require between the state or local law enforcement agency and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer.~~

~~—— (d) The written contract described in subdivision (c) is incorporated into a self-determination contract, grant agreement,~~

~~or cooperative agreement between the United States secretary of the interior and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer pursuant to the Indian self determination and education assistance act, Public Law 93-638, 88 Stat. 2203.~~

~~—— (8) A law enforcement officer of a multicounty metropolitan district, other than a law enforcement officer employed by a law enforcement agency created under the public body law enforcement agency act, is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:~~

~~—— (a) The law enforcement officer has met or exceeded minimum standards for certification under this act.~~

~~—— (b) The law enforcement officer is deputized by the sheriff or sheriffs of the county or counties in which the land of the multicounty metropolitan district employing the law enforcement officer is located and in which the law enforcement officer will work, pursuant to section 70 of 1846 RS 14, MCL 51.70.~~

~~—— (c) The deputation or appointment of the law enforcement officer is made pursuant to a written agreement that includes terms the deputizing authority under subdivision (b) may require between the state or local law enforcement agency and the governing board of the multicounty metropolitan district employing the law enforcement officer.~~

~~—— (d) The written agreement described in subdivision (c) is~~

1 ~~filed with the commission.~~

2 ~~—— (9) A public body that creates a law enforcement agency under~~
 3 ~~the public body law enforcement agency act and that employs 1 or~~
 4 ~~more law enforcement officers certified under this act shall be~~
 5 ~~considered to be a law enforcement agency for purposes of section~~
 6 ~~9d.~~

7 ~~—— (10) The commission may establish an evaluation or testing~~
 8 ~~process, or both, for granting a waiver from the law enforcement~~
 9 ~~officer minimum standards regarding training requirements to a~~
 10 ~~person who has held a certificate under this act and who~~
 11 ~~discontinues employment as a law enforcement officer for a period~~
 12 ~~of time exceeding the time prescribed in subsection (2)(a) to (c)~~
 13 ~~or (6), as applicable.~~

14 (1) THIS SECTION APPLIES TO ALL LAW ENFORCEMENT OFFICERS
 15 EXCEPT INDIVIDUALS TO WHOM SECTIONS 9A, 9B, AND 9C APPLY.
 16 EMPLOYMENT OF LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
 17 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS
 18 SECTION.

19 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
 20 STANDARDS AND PROCEDURES FOR INDIVIDUALS LICENSED UNDER THIS
 21 SECTION. IN PROMULGATING THE RULES, THE COMMISSION SHALL GIVE
 22 CONSIDERATION TO THE VARYING FACTORS AND SPECIAL REQUIREMENTS OF
 23 LAW ENFORCEMENT AGENCIES. THE RULES SHALL PERTAIN TO THE FOLLOWING:

24 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
 25 OF THE FOLLOWING:

26 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
 27 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) VALID OPERATOR'S OR CHAUFFEUR'S LICENSE.

16 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
17 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
18 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

19 (J) UNITED STATES CITIZENSHIP.

20 (K) EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

21 (l) EXECUTION OF A WRITTEN OATH OF OFFICE BY A LAW ENFORCEMENT
22 AGENCY WITH WHOM THE INDIVIDUAL IS EMPLOYED, CONFERRING AUTHORITY
23 TO ACT WITH ALL OF THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE
24 LAWS OF THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED.

25 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
26 FOLLOWING PROCEDURES:

27 (A) BEFORE EXECUTING THE OATH OF OFFICE, AN EMPLOYING LAW

1 ENFORCEMENT AGENCY SHALL VERIFY THAT THE INDIVIDUAL TO WHOM THE
2 OATH IS TO BE ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS.

3 (B) A LAW ENFORCEMENT AGENCY EMPLOYING AN INDIVIDUAL LICENSED
4 UNDER THIS SECTION SHALL AUTHORIZE THE INDIVIDUAL TO EXERCISE THE
5 LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF THIS STATE UNDER
6 WHICH THE INDIVIDUAL IS EMPLOYED, BY EXECUTING A WRITTEN OATH OF
7 OFFICE.

8 (C) WITHIN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
9 OFFICE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL ATTEST IN
10 WRITING TO THE COMMISSION THAT THE INDIVIDUAL TO WHOM THE OATH WAS
11 ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS, BY SUBMITTING
12 AN EXECUTED AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

13 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
14 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL
15 COMPLIES WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT
16 THE INDIVIDUAL A LICENSE.

17 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
18 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES
19 NOT COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY
20 OF THE FOLLOWING:

21 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
22 AFFIDAVIT AND OATH OF OFFICE.

23 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
24 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
25 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

26 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
27 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE

1 LICENSING STANDARDS.

2 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE EMPLOYING
3 LAW ENFORCEMENT AGENCY.

4 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
5 ISSUANCE OF A LICENSE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL
6 PROMPTLY INFORM THE INDIVIDUAL DENIED.

7 (4) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION MAY NOT
8 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF
9 THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED. THIS SUBSECTION
10 DOES NOT DIVEST THE INDIVIDUAL OF THAT AUTHORITY UNTIL THE
11 INDIVIDUAL HAS BEEN INFORMED OF THE DENIAL.

12 (5) A LAW ENFORCEMENT AGENCY THAT HAS ADMINISTERED AN OATH OF
13 OFFICE TO AN INDIVIDUAL UNDER THIS SECTION SHALL, WITH RESPECT TO
14 THAT INDIVIDUAL:

15 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
16 AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN RULES
17 PROMULGATED BY THE COMMISSION.

18 (B) REPORT TO THE COMMISSION ACTION TAKEN BY THE EMPLOYING
19 AGENCY THAT REMOVES THE AUTHORITY CONFERRED BY THE OATH OF OFFICE,
20 AND RESTORATION OF THE INDIVIDUAL'S AUTHORITY TO THAT CONFERRED BY
21 THE OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY
22 THE COMMISSION.

23 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

24 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
25 THAT THE INDIVIDUAL COMPLIES WITH THE LICENSING STANDARDS.

26 (6) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL:

27 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR

1 WHICH THAT INDIVIDUAL'S LICENSE MAY BE REVOKED AS DESCRIBED IN THIS
2 SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
3 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

4 (B) REPORT TO THE COMMISSION THE IMPOSITION OF A PERSONAL
5 PROTECTION ORDER AGAINST THAT INDIVIDUAL AFTER A JUDICIAL HEARING
6 UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961,
7 1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY
8 OTHER JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH
9 AN ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
10 COMMISSION.

11 (7) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
12 AND MAY BE REACTIVATED, AS FOLLOWS:

13 (A) A LICENSE IS RENDERED INACTIVE IF:

14 (i) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
15 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
16 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
17 THAN 1 YEAR.

18 (ii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
19 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
20 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
21 THE OATH OF OFFICE FOR LESS THAN 1 YEAR.

22 (iii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
23 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
24 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
25 THAN 2 YEARS.

26 (iv) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
27 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY

1 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
2 OFFICE FOR LESS THAN 2 YEARS.

3 (B) AN EMPLOYING LAW ENFORCEMENT AGENCY MAY REACTIVATE A
4 LICENSE RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE
5 PROCEDURES DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF
6 AND ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS
7 DESCRIBED IN SUBSECTION (2) (A) TO (G).

8 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
9 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

10 (8) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
11 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

12 (A) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
13 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, 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 IN AGGREGATE FOR LESS THAN 2,080 HOURS, 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 IN AGGREGATE FOR 2,080 HOURS OR LONGER, 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 IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
24 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
25 OFFICE FOR 2 YEARS.

26 (9) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
27 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES

1 GOVERNING THESE REVOCATIONS:

2 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
3 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
4 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
5 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
6 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
7 LICENSURE APPLICATION.

8 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
9 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
10 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
11 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
12 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
13 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

14 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
15 GUILT FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF
16 THIS STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY
17 IMPRISONMENT FOR MORE THAN 1 YEAR.

18 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
19 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING
20 PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
21 SUBSTANTIALLY CORRESPONDING TO THEM:

22 (i) MCL 750.81(3) .

23 (ii) MCL 750.81A(1) .

24 (iii) MCL 750.81A(2) .

25 (iv) MCL 750.411H(2) (A) .

26 (v) MCL 333.7403(2) (C) .

27 (vi) MCL 333.7404(2) (A) .

1 (vii) MCL 333.7404(2)(B).

2 (viii) MCL 333.7404(2)(C).

3 (ix) MCL 257.625(9)(B).

4 (10) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
5 LICENSE REVOCATION UNDER THIS SECTION:

6 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
7 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
8 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
9 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

10 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
11 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
12 1969 PA 306, MCL 24.201 TO 24.328.

13 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
14 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
15 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
16 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
17 COMMISSION.

18 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
19 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
20 FROM THE ADJUDICATION OF GUILT.

21 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
22 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
23 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
24 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
25 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
26 JUDICIAL REVIEW.

27 (11) AN INDIVIDUAL LICENSED UNDER THIS SECTION MAY NOT

1 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF
2 THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED IF ANY OF THE
3 FOLLOWING OCCUR:

4 (A) THE INDIVIDUAL'S LICENSE IS RENDERED VOID BY A COURT ORDER
5 OR OTHER OPERATION OF LAW.

6 (B) THE INDIVIDUAL'S LICENSE IS REVOKED.

7 (C) THE INDIVIDUAL'S LICENSE IS RENDERED INACTIVE.

8 (D) THE INDIVIDUAL'S LICENSE IS RENDERED LAPSED.

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

12 ~~—— (2) The commission shall grant certification to a person who~~
13 ~~was employed as a law enforcement officer before January 1, 1977~~
14 ~~and who fails to meet the law enforcement officer minimum standards~~
15 ~~if the person is authorized to be employed as a law enforcement~~
16 ~~officer under section 9.~~

17 ~~—— (3) The commission shall grant certification to an elected~~
18 ~~sheriff, which certification shall remain valid only while that~~
19 ~~sheriff is in office.~~

20 ~~—— (4) Certification granted to a person under this act is valid~~
21 ~~until either of the following occurs:~~

22 ~~—— (a) The certification is revoked.~~

23 ~~—— (b) The certification becomes void because the person~~
24 ~~discontinues his or her employment as a commission certified law~~
25 ~~enforcement officer.~~

26 ~~—— (5) The commission shall issue a certificate to a person who~~
27 ~~has received certification. A certificate issued to a person~~

1 ~~remains the property of the commission.~~

2 ~~—— (6) Upon request of the commission, a person whose~~
3 ~~certification is revoked, or becomes void because the person~~
4 ~~discontinues his or her employment as a commission certified law~~
5 ~~enforcement officer, shall return to the commission the certificate~~
6 ~~issued to the person. A violation of this subsection is a~~
7 ~~misdemeanor, punishable by imprisonment for 90 days, a fine of not~~
8 ~~more than \$500.00, or both.~~

9 (1) THIS SECTION APPLIES ONLY TO INDIVIDUALS ELECTED OR
10 APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE. EMPLOYMENT OF LAW
11 ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO THE
12 LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.

13 (2) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
14 FOLLOWING PROCEDURES:

15 (A) WITHIN 10 CALENDAR DAYS AFTER TAKING AN OATH OF OFFICE FOR
16 THE OFFICE OF SHERIFF IN THIS STATE, AN INDIVIDUAL SHALL SUBMIT TO
17 THE COMMISSION A COPY OF THE EXECUTED OATH OF OFFICE.

18 (B) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE
19 COMMISSION DETERMINES THAT THE INDIVIDUAL HAS BEEN ELECTED OR
20 APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION
21 SHALL GRANT THE INDIVIDUAL A LICENSE.

22 (C) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE
23 COMMISSION DETERMINES THAT THE INDIVIDUAL HAS NOT BEEN ELECTED OR
24 APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION
25 MAY DO EITHER OF THE FOLLOWING:

26 (i) VERIFY, THROUGH OTHER MEANS, ELECTION OR APPOINTMENT TO THE
27 OFFICE OF SHERIFF IN THIS STATE.

1 (ii) DENY THE ISSUANCE OF A LICENSE AND INFORM THE INDIVIDUAL
2 DENIED.

3 (3) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL:

4 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR
5 WHICH THAT INDIVIDUAL 'S LICENSE MAY BE REVOKED AS DESCRIBED IN
6 THIS SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
7 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

8 (B) REPORT TO THE COMMISSION THE IMPOSITION OF A PERSONAL
9 PROTECTION ORDER AGAINST THAT INDIVIDUAL AFTER A JUDICIAL HEARING
10 UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961,
11 1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY
12 OTHER JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH
13 AN ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
14 COMMISSION.

15 (4) A LICENSE GRANTED UNDER THIS SECTION IS VALID UNTIL ANY OF
16 THE FOLLOWING OCCUR:

17 (A) A COURT ORDER OR OTHER OPERATION OF LAW RENDERS THE
18 LICENSE VOID.

19 (B) THE INDIVIDUAL'S TERM OF OFFICE AS A SHERIFF IN THIS STATE
20 EXPIRES.

21 (C) THE COMMISSION REVOKES THE LICENSE AS PROVIDED IN THIS
22 SECTION.

23 (5) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
24 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
25 GOVERNING THESE REVOCATIONS:

26 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
27 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN

1 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
2 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
3 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
4 LICENSURE APPLICATION.

5 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
6 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
7 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
8 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
9 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
10 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

11 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
12 GUILT FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF
13 THIS STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY
14 IMPRISONMENT FOR MORE THAN 1 YEAR.

15 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
16 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING
17 PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
18 SUBSTANTIALLY CORRESPONDING TO THEM:

19 (i) MCL 750.81(3) .

20 (ii) MCL 750.81A(1) .

21 (iii) MCL 750.81A(2) .

22 (iv) MCL 750.411H(2) (A) .

23 (v) MCL 333.7403(2) (C) .

24 (vi) MCL 333.7404(2) (A) .

25 (vii) MCL 333.7404(2) (B) .

26 (viii) MCL 333.7404(2) (C) .

27 (ix) MCL 257.625(9) (B) .

1 (6) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO LICENSE
2 REVOCATION UNDER THIS SECTION:

3 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
4 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
5 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
6 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

7 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
8 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
9 1969 PA 306, MCL 24.201 TO 24.328.

10 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
11 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
12 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
13 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
14 COMMISSION.

15 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
16 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
17 FROM THE ADJUDICATION OF GUILT.

18 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
19 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
20 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
21 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
22 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
23 JUDICIAL REVIEW.

24 Sec. 9b. ~~(1) The commission shall promulgate rules that~~
25 ~~provide for the revocation of certification of a law enforcement~~
26 ~~officer for 1 or more of the following:~~

27 ~~— (a) Conviction by a judge or jury of a felony.~~

~~1 (b) Conviction by a plea of guilty to a felony.~~

~~2 (c) Conviction by a plea of no contest to a felony.~~

~~3 (d) Making a materially false statement or committing fraud
4 during the application for certification process.~~

~~5 (2) The rules shall provide for the suspension of a law
6 enforcement officer from use of the law enforcement information
7 network in the event the law enforcement officer wrongfully
8 discloses information from the law enforcement information network.~~

~~9 (3) Except as provided in subsection (4), if the commission
10 issues a final decision or order to revoke the certification of a
11 law enforcement officer, that decision or order is subject to
12 judicial review as provided in the administrative procedures act of
13 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

~~14 (4) A petition for judicial review of a final decision or
15 order of the commission revoking the certification of a law
16 enforcement officer shall be filed only in the circuit court for
17 Ingham county.~~

~~18 (5) The commission may issue a subpoena in a contested case to
19 revoke a law enforcement officer's certification. The subpoena
20 shall be issued as provided in section 73 of the administrative
21 procedures act of 1969, 1969 PA 306, MCL 24.273.~~

**22 (1) THIS SECTION APPLIES ONLY TO INDIVIDUALS WHO ARE EMPLOYED
23 AS MICHIGAN TRIBAL LAW ENFORCEMENT OFFICERS IN THIS STATE AND ARE
24 SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THEM TO ENFORCE THE
25 LAWS OF THIS STATE. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
26 THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
27 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS**

1 SECTION.

2 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
3 STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

4 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
5 OF THE FOLLOWING:

6 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
7 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
8 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
9 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
10 TRAINING ACADEMY.

11 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
12 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
13 STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

14 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
15 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION
16 (A) .

17 (C) PHYSICAL ABILITY.

18 (D) PSYCHOLOGICAL FITNESS.

19 (E) EDUCATION.

20 (F) READING AND WRITING PROFICIENCY.

21 (G) MINIMUM AGE.

22 (H) VALID OPERATOR'S OR CHAUFFEUR'S LICENSE.

23 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
24 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
25 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

26 (J) UNITED STATES CITIZENSHIP.

27 (K) EMPLOYMENT AS A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER.

1 (l) EXECUTION OF A WRITTEN INSTRUMENT CONFERRING AUTHORITY UPON
2 THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE, CONSISTING OF ANY
3 OF THE FOLLOWING:

4 (i) DEPUTATION BY A SHERIFF OF THIS STATE, CONFERRING AUTHORITY
5 UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

6 (ii) APPOINTMENT AS A LAW ENFORCEMENT OFFICER BY A LAW
7 ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE INDIVIDUAL TO
8 ENFORCE THE LAWS OF THIS STATE.

9 (iii) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THE MICHIGAN
10 TRIBAL LAW ENFORCEMENT AGENCY WITH WHOM THE INDIVIDUAL IS EMPLOYED
11 AND A LAW ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE
12 INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

13 (iv) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THIS STATE, OR A
14 SUBDIVISION OF THIS STATE, AND THE UNITED STATES, CONFERRING
15 AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

16 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
17 FOLLOWING PROCEDURES:

18 (A) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
19 CONFERRING AUTHORITY UPON A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER
20 AS PROVIDED IN THIS SECTION SHALL CONFER THE AUTHORITY TO ENFORCE
21 THE LAWS OF THIS STATE BY EXECUTING A WRITTEN INSTRUMENT AS
22 PROVIDED IN THIS SECTION.

23 (B) BEFORE EXECUTING THE WRITTEN INSTRUMENT, A LAW ENFORCEMENT
24 AGENCY OR OTHER GOVERNMENTAL AGENCY SHALL VERIFY THAT THE
25 INDIVIDUAL COMPLIES WITH THE LICENSING STANDARDS.

26 (C) WITHIN 10 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THE
27 WRITTEN INSTRUMENT, THE LAW ENFORCEMENT AGENCY OR OTHER

1 GOVERNMENTAL AGENCY EXECUTING THE WRITTEN INSTRUMENT SHALL ATTEST
2 IN WRITING TO THE COMMISSION THAT THE INDIVIDUAL TO WHOM THE
3 AUTHORITY WAS CONFERRED COMPLIES WITH THE LICENSING STANDARDS, BY
4 SUBMITTING AN EXECUTED AFFIDAVIT AND A COPY OF THE WRITTEN
5 INSTRUMENT.

6 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
7 INSTRUMENT, THE COMMISSION DETERMINES THAT THE INDIVIDUAL COMPLIES
8 WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT THE
9 INDIVIDUAL A LICENSE.

10 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
11 INSTRUMENT, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES NOT
12 COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY OF
13 THE FOLLOWING:

14 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
15 AFFIDAVIT AND OATH OF OFFICE.

16 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
17 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
18 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

19 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
20 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
21 LICENSING STANDARDS.

22 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE LAW
23 ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING
24 AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON AN INDIVIDUAL TO
25 WHOM THIS SECTION APPLIES.

26 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
27 ISSUANCE OF A LICENSE, A LAW ENFORCEMENT AGENCY OR OTHER

1 GOVERNMENTAL AGENCY CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
2 THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES SHALL
3 PROMPTLY INFORM THE INDIVIDUAL DENIED.

4 (4) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION MAY NOT
5 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN
6 INSTRUMENT CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE
7 LAWS OF THIS STATE. THIS SUBSECTION DOES NOT DIVEST THE INDIVIDUAL
8 OF THAT AUTHORITY UNTIL THE INDIVIDUAL HAS BEEN INFORMED OF THE
9 DENIAL.

10 (5) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
11 LAWS OF THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES
12 SHALL INCLUDE THE FOLLOWING:

13 (A) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
14 ENFORCEMENT AGENCY REPORT TO THE COMMISSION ALL PERSONNEL
15 TRANSACTIONS AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN
16 RULES PROMULGATED BY THE COMMISSION.

17 (B) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
18 ENFORCEMENT AGENCY REPORT TO THE COMMISSION ACTION IT TAKES THAT
19 REMOVES THE AUTHORITY CONFERRED BY THE WRITTEN INSTRUMENT
20 CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF
21 THIS STATE, AND RESTORATION OF THE INDIVIDUAL'S AUTHORITY TO THAT
22 CONFERRED BY THE WRITTEN INSTRUMENT, IN A MANNER PRESCRIBED IN
23 RULES PROMULGATED BY THE COMMISSION.

24 (C) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
25 ENFORCEMENT AGENCY MAINTAIN AN EMPLOYMENT HISTORY RECORD.

26 (D) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
27 ENFORCEMENT AGENCY COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION

1 ESTABLISHING THAT THE INDIVIDUAL COMPLIES WITH THE APPLICABLE
2 LICENSING STANDARDS.

3 (6) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
4 LAWS OF THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES
5 SHALL INCLUDE THE FOLLOWING:

6 (A) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
7 ENFORCEMENT AGENCY REPORT TO THE COMMISSION CRIMINAL CHARGES FOR
8 OFFENSES FOR WHICH THAT INDIVIDUAL'S LICENSE MAY BE REVOKED AS
9 DESCRIBED IN THIS SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN
10 A MANNER PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

11 (B) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
12 ENFORCEMENT AGENCY REPORT TO THE COMMISSION THE IMPOSITION OF A
13 PERSONAL PROTECTION ORDER AGAINST THAT INDIVIDUAL AFTER A JUDICIAL
14 HEARING UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT
15 OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS
16 OF ANY OTHER JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF
17 SUCH AN ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
18 COMMISSION.

19 (7) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
20 AND MAY BE REACTIVATED, AS FOLLOWS:

21 (A) A LICENSE IS RENDERED INACTIVE IF:

22 (i) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
23 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
24 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
25 THAN 1 YEAR.

26 (ii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
27 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER

1 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
2 THE WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE
3 LAWS OF THIS STATE FOR LESS THAN 1 YEAR.

4 (iii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
5 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
6 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
7 THAN 2 YEARS.

8 (iv) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
9 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
10 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
11 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
12 STATE FOR LESS THAN 2 YEARS.

13 (B) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
14 CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON AN
15 INDIVIDUAL TO WHOM THIS SECTION APPLIES MAY REACTIVATE A LICENSE
16 RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE PROCEDURES
17 DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF AND
18 ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS DESCRIBED IN
19 SUBSECTION (2) (A) TO (G).

20 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
21 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

22 (8) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
23 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

24 (A) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
25 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
26 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.

27 (B) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT

1 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
2 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
3 THE WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE
4 LAWS OF THIS STATE FOR 1 YEAR.

5 (C) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
6 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
7 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.

8 (D) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
9 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
10 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
11 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
12 STATE FOR 2 YEARS.

13 (9) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
14 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
15 GOVERNING THESE REVOCATIONS:

16 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
17 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
18 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
19 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
20 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
21 LICENSURE APPLICATION.

22 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
23 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
24 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
25 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
26 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
27 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

1 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
2 GUILT FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF
3 THIS STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY
4 IMPRISONMENT FOR MORE THAN 1 YEAR.

5 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
6 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING
7 PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
8 SUBSTANTIALLY CORRESPONDING TO THEM:

9 (i) MCL 750.81(3) .

10 (ii) MCL 750.81A(1) .

11 (iii) MCL 750.81A(2) .

12 (iv) MCL 750.411H(2) (A) .

13 (v) MCL 333.7403(2) (C) .

14 (vi) MCL 333.7404(2) (A) .

15 (vii) MCL 333.7404(2) (B) .

16 (viii) MCL 333.7404(2) (C) .

17 (ix) MCL 257.625(9) (B) .

18 (10) 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, ISSUANCE OF AN ORDER OF
22 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
23 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

24 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
25 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
26 1969 PA 306, MCL 24.201 TO 24.328.

27 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN

1 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
2 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
3 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
4 COMMISSION.

5 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
6 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
7 FROM THE ADJUDICATION OF GUILT.

8 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
9 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
10 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
11 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
12 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
13 JUDICIAL REVIEW.

14 (11) AN INDIVIDUAL LICENSED UNDER THIS SECTION MAY NOT
15 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN
16 INSTRUMENT CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE
17 LAWS OF THIS STATE IF ANY OF THE FOLLOWING OCCUR:

18 (A) THE INDIVIDUAL'S LICENSE IS RENDERED VOID BY A COURT ORDER
19 OR OTHER OPERATION OF LAW.

20 (B) THE INDIVIDUAL'S LICENSE IS REVOKED.

21 (C) THE INDIVIDUAL'S LICENSE IS RENDERED INACTIVE.

22 (D) THE INDIVIDUAL'S LICENSE IS RENDERED LAPSED.

23 Sec. 9c. ~~(1) The commission may investigate alleged violations~~
24 ~~of this act or rules promulgated under this act.~~

25 ~~— (2) In conducting an investigation, the commission may hold~~
26 ~~hearings, administer oaths, issue subpoenas, and order testimony to~~
27 ~~be taken at a hearing or by deposition. A hearing held under this~~

~~section shall be conducted in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A final decision order issued by the commission is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306.~~

~~—— (3) The commission may issue a subpoena to do either of the following:~~

~~—— (a) Compel the attendance of a witness to testify at a hearing or deposition and give testimony.~~

~~—— (b) Produce books, papers, documents, or other items.~~

~~—— (4) If a subpoena issued by the commission is not obeyed, the commission may petition the circuit court to require the attendance of a witness or the production of books, papers, documents, or other items. The circuit court may issue an order requiring a person to appear and give testimony or produce books, papers, documents, or other items. Failure to obey the order of the circuit court may be punished by the court as a contempt of court.~~

(1) THIS SECTION APPLIES ONLY TO INDIVIDUALS WHO ARE EMPLOYED AS FIRE ARSON INVESTIGATORS FROM FIRE DEPARTMENTS WITHIN VILLAGES, CITIES, TOWNSHIPS, OR COUNTIES IN THIS STATE, WHO ARE SWORN AND FULLY EMPOWERED BY THE CHIEFS OF POLICE OF THOSE VILLAGES, CITIES, TOWNSHIPS, OR COUNTIES. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.

(2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

1 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
2 OF THE FOLLOWING:

3 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
4 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
5 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
6 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
7 TRAINING ACADEMY.

8 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
9 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
10 STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

11 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
12 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION

13 (A) .

14 (C) PHYSICAL ABILITY.

15 (D) PSYCHOLOGICAL FITNESS.

16 (E) EDUCATION.

17 (F) READING AND WRITING PROFICIENCY.

18 (G) MINIMUM AGE.

19 (H) VALID OPERATOR'S OR CHAUFFEUR'S LICENSE.

20 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
21 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
22 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

23 (J) UNITED STATES CITIZENSHIP.

24 (K) EMPLOYMENT AS A FIRE ARSON INVESTIGATOR FROM A FIRE
25 DEPARTMENT WITHIN A VILLAGE, CITY, TOWNSHIP, OR COUNTY IN THIS
26 STATE, WHO IS SWORN AND FULLY EMPOWERED BY THE CHIEF OF POLICE OF
27 THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

1 (l) EXECUTION OF A WRITTEN OATH OF OFFICE BY THE CHIEF OF
2 POLICE OF A VILLAGE, CITY, TOWNSHIP, OR COUNTY LAW ENFORCEMENT
3 AGENCY, CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE.

4 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
5 FOLLOWING PROCEDURES:

6 (A) BEFORE EXECUTING THE OATH OF OFFICE, THE CHIEF OF POLICE
7 SHALL VERIFY THAT THE INDIVIDUAL TO WHOM THE OATH IS TO BE
8 ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS.

9 (B) THE CHIEF OF POLICE SHALL EXECUTE AN OATH OF OFFICE TO
10 AUTHORIZE THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

11 (C) WITHIN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
12 OFFICE, THE CHIEF OF POLICE SHALL ATTEST IN WRITING TO THE
13 COMMISSION THAT THE INDIVIDUAL TO WHOM THE OATH WAS ADMINISTERED
14 COMPLIES WITH THE LICENSING STANDARDS, BY SUBMITTING AN EXECUTED
15 AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

16 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
17 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL
18 COMPLIES WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT
19 THE INDIVIDUAL A LICENSE.

20 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
21 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES
22 NOT COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY
23 OF THE FOLLOWING:

24 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
25 AFFIDAVIT AND OATH OF OFFICE.

26 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
27 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED

1 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

2 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
3 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
4 LICENSING STANDARDS.

5 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE CHIEF OF
6 POLICE.

7 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
8 ISSUANCE OF A LICENSE, THE CHIEF OF POLICE SHALL PROMPTLY INFORM
9 THE INDIVIDUAL DENIED.

10 (4) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION MAY NOT
11 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF
12 OFFICE. THIS SUBSECTION DOES NOT DIVEST THE INDIVIDUAL OF THAT
13 AUTHORITY UNTIL THE INDIVIDUAL HAS BEEN INFORMED OF THE DENIAL.

14 (5) A CHIEF OF POLICE THAT HAS ADMINISTERED AN OATH OF OFFICE
15 TO AN INDIVIDUAL UNDER THIS SECTION SHALL, WITH RESPECT TO THAT
16 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 ACTION TAKEN BY THE CHIEF OF
21 POLICE THAT REMOVES THE AUTHORITY CONFERRED BY THE OATH OF OFFICE,
22 AND RESTORATION OF THE INDIVIDUAL'S AUTHORITY TO THAT CONFERRED BY
23 THE OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY
24 THE COMMISSION.

25 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

26 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
27 THAT THE INDIVIDUAL COMPLIES WITH THE APPLICABLE LICENSING

1 STANDARDS.

2 (6) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL:

3 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR
4 WHICH THAT INDIVIDUAL'S LICENSE MAY BE REVOKED AS DESCRIBED IN THIS
5 SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
6 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

7 (B) REPORT TO THE COMMISSION IMPOSITION OF A PERSONAL
8 PROTECTION ORDER AGAINST THAT INDIVIDUAL AFTER A JUDICIAL HEARING
9 UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961,
10 1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY
11 OTHER JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH
12 AN ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
13 COMMISSION.

14 (7) A LICENSE GRANTED UNDER THIS SECTION IS RENDERED LAPSED,
15 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

16 (A) THE INDIVIDUAL IS NO LONGER EMPLOYED AS A FIRE ARSON
17 INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A VILLAGE, CITY,
18 TOWNSHIP, OR COUNTY IN THIS STATE, WHO IS SWORN AND FULLY EMPOWERED
19 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY,
20 RENDERING THE LICENSE LAPSED.

21 (B) THE INDIVIDUAL IS SUBJECTED TO A REMOVAL OF THE AUTHORITY
22 CONFERRED BY THE OATH OF OFFICE, RENDERING THE LICENSE LAPSED.

23 (8) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
24 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
25 GOVERNING THESE REVOCATIONS:

26 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
27 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN

1 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
2 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
3 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
4 LICENSURE APPLICATION.

5 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
6 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
7 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
8 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
9 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
10 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

11 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
12 GUILT FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF
13 THIS STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY
14 IMPRISONMENT FOR MORE THAN 1 YEAR.

15 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
16 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING
17 PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
18 SUBSTANTIALLY CORRESPONDING TO THEM:

19 (i) MCL 750.81(3) .

20 (ii) MCL 750.81A(1) .

21 (iii) MCL 750.81A(2) .

22 (iv) MCL 750.411H(2) (A) .

23 (v) MCL 333.7403(2) (C) .

24 (vi) MCL 333.7404(2) (A) .

25 (vii) MCL 333.7404(2) (B) .

26 (viii) MCL 333.7404(2) (C) .

27 (ix) MCL 257.625(9) (B) .

1 (9) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO LICENSE
2 REVOCATION UNDER THIS SECTION:

3 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
4 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
5 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
6 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

7 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
8 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
9 1969 PA 306, MCL 24.201 TO 24.328.

10 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
11 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
12 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
13 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
14 COMMISSION.

15 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
16 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
17 FROM THE ADJUDICATION OF GUILT.

18 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
19 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
20 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
21 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
22 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
23 JUDICIAL REVIEW.

24 (10) AN INDIVIDUAL LICENSED UNDER THIS SECTION MAY NOT
25 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF
26 OFFICE IF ANY OF THE FOLLOWING OCCUR:

27 (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 LAPSED.

4 Sec. 10. ~~(1) The commission may enter into agreements with~~
5 ~~public or private colleges, universities, or other agencies to~~
6 ~~carry out the intent of this act.~~

7 ~~— (2) The commission may impose a reasonable fee for performing~~
8 ~~any service identified in sections 37 to 42 of the private security~~
9 ~~business and security alarm act, 1968 PA 330, MCL 338.1087 to~~
10 ~~338.1092, which shall be payable by the private college or~~
11 ~~university in connection with which the duties are performed. No~~
12 ~~fee shall exceed the commission's actual cost incurred in~~
13 ~~performing agreed upon duties.~~

14 (1) THE COMMISSION MAY INVESTIGATE ALLEGED VIOLATIONS OF THIS
15 ACT OR RULES PROMULGATED UNDER THIS ACT.

16 (2) IN CONDUCTING AN INVESTIGATION, THE COMMISSION MAY HOLD
17 HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS, AND ORDER TESTIMONY TO
18 BE TAKEN AT A HEARING OR BY DEPOSITION. A HEARING HELD UNDER THIS
19 SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4 OF THE
20 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO
21 24.287. A FINAL DECISION OR ORDER ISSUED BY THE COMMISSION IS
22 SUBJECT TO JUDICIAL REVIEW AS PROVIDED BY CHAPTER 6 OF THE
23 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.301 TO
24 24.306. A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR ORDER
25 OF THE COMMISSION SHALL BE ADJUDICATED ONLY IN THE COURT OF CLAIMS.

26 (3) THE COMMISSION MAY ISSUE A SUBPOENA TO DO EITHER OF THE
27 FOLLOWING:

1 (A) COMPEL THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEARING
2 OR DEPOSITION AND GIVE TESTIMONY.

3 (B) PRODUCE BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS.

4 (4) IF A SUBPOENA ISSUED BY THE COMMISSION IS NOT OBEYED, THE
5 COMMISSION MAY PETITION THE COURT OF CLAIMS TO REQUIRE THE
6 ATTENDANCE OF A WITNESS OR THE PRODUCTION OF BOOKS, PAPERS,
7 DOCUMENTS, OR OTHER ITEMS. THE COURT OF CLAIMS MAY ISSUE AN ORDER
8 REQUIRING AN INDIVIDUAL TO APPEAR AND GIVE TESTIMONY OR PRODUCE
9 BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS. FAILURE TO OBEY AN ORDER
10 OF THE COURT OF CLAIMS MAY BE PUNISHED BY THE COURT AS A CONTEMPT
11 OF COURT.

12 (5) THE COMMISSION HAS STANDING TO COMMENCE AN ACTION IN THE
13 COURT OF CLAIMS TO COMPEL COMPLIANCE WITH THIS ACT OR 1982 PA 302,
14 MCL 18.421 TO 18.429, OR AN ADMINISTRATIVE RULE PROMULGATED UNDER
15 THIS ACT OR 1982 PA 302, MCL 18.421 TO 18.429.

16 Sec. 11. (1) The commission may do ~~all~~ 1 OR MORE of the
17 following:

18 ~~—— (a) Visit and inspect a police training school, or examine the~~
19 ~~curriculum or training procedures of a police training school, for~~
20 ~~which application for approval of the school has been made.~~

21 ~~—— (b) Issue certificates of approval to police training schools.~~

22 ~~—— (c) Authorize the issuance of certificates of graduation or~~
23 ~~diplomas by approved police training schools to law enforcement~~
24 ~~officers who have satisfactorily completed minimum courses of~~
25 ~~study.~~

26 ~~—— (d) Cooperate with state, federal, and local police agencies~~
27 ~~to establish and conduct local or area schools, or regional~~

~~training centers for instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages.~~

~~—— (e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.~~

~~—— (f) Establish preservice basic training programs at colleges and universities.~~

~~—— (g) Require an examination for law enforcement officer certification under section 9a(1).~~

~~—— (h) Issue a waiver as provided for under section 9(7), or 9(3)(c), or 9(3)(h).~~

~~—— (i) Establish and charge a fee to recover the cost of testing and training individuals who are not employed by a Michigan law enforcement agency.~~

~~—— (j) Establish and charge a fee to recover the cost of issuing and reissuing certificates for individuals who are certified as law enforcement officers in this state.~~

~~—— (2) Fees charged under subsection (1)(i) and (j) shall be deposited in the law enforcement officer training fund created in section 13.~~

(A) ENTER INTO AGREEMENTS WITH COLLEGES, UNIVERSITIES, GOVERNMENTAL AGENCIES, AND PRIVATE ENTITIES TO CARRY OUT THE INTENT OF THIS ACT.

(B) ISSUE CERTIFICATES OF APPROVAL TO AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT

1 TRAINING ACADEMIES.

2 (C) AUTHORIZE ISSUANCE OF CERTIFICATES OF GRADUATION OR
3 DIPLOMAS BY AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES,
4 PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND
5 REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMIES TO STUDENTS WHO
6 HAVE SATISFACTORILY COMPLETED MINIMUM COURSES OF STUDY.

7 (D) COOPERATE WITH STATE, FEDERAL, AND LOCAL AGENCIES TO
8 APPROVE PROGRAMS OF IN-SERVICE INSTRUCTION AND TRAINING OF LAW
9 ENFORCEMENT OFFICERS OF THIS STATE AND OF CITIES, COUNTIES,
10 TOWNSHIPS, AND VILLAGES.

11 (E) MAKE RECOMMENDATIONS TO THE LEGISLATURE ON MATTERS
12 PERTAINING TO QUALIFICATION AND TRAINING OF LAW ENFORCEMENT
13 OFFICERS.

14 (F) REQUIRE A LICENSING EXAMINATION.

15 (G) ESTABLISH A RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT
16 TRAINING AND EXPERIENCE PROGRAM.

17 (H) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TESTING
18 AND TRAINING INDIVIDUALS WHO ARE NOT EMPLOYED BY A LAW ENFORCEMENT
19 AGENCY, WHICH SHALL BE DEPOSITED IN THE SECONDARY ROAD PATROL AND
20 TRAINING FUND CREATED IN SECTION 629E OF THE MICHIGAN VEHICLE CODE,
21 1949 PA 300, MCL 257.629E.

22 (I) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF ISSUING
23 LICENSES TO PERSONS LICENSED UNDER THIS ACT, WHICH SHALL BE
24 DEPOSITED IN THE SECONDARY ROAD PATROL AND TRAINING FUND CREATED IN
25 SECTION 629E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
26 257.629E.

27 (2) THE COMMISSION MAY PROMULGATE RULES WITH RESPECT TO ANY OF

1 THE FOLLOWING:

2 (A) IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY
3 AND ATTENDANCE REQUIREMENTS FOR LICENSED LAW ENFORCEMENT OFFICERS.

4 (B) THE ESTABLISHMENT AND APPROVAL OF AGENCY BASIC LAW
5 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
6 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
7 TRAINING ACADEMIES.

8 (C) THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS FOR APPROVED
9 AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE
10 BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW
11 ENFORCEMENT TRAINING ACADEMIES.

12 (D) THE MINIMUM FACILITIES AND EQUIPMENT FOR AGENCY BASIC LAW
13 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
14 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
15 TRAINING ACADEMIES.

16 (E) MINIMUM STANDARDS AND PROCEDURES FOR RESERVE OFFICERS.

17 Sec. 12. The commission shall appoint an executive director of
18 the commission. The executive director shall **BE AN EMPLOYEE OF THE**
19 **COMMISSION AND SHALL** hold office at the pleasure of the commission.
20 The executive director shall perform the functions and duties that
21 are assigned to him or her by the commission. The executive
22 director shall receive compensation and reimbursement for expenses
23 ~~as provided by appropriation.~~ **FROM APPROPRIATIONS.**

24 Sec. 14. ~~(1) The amounts annually appropriated by the~~
25 ~~legislature from the law enforcement officers training fund shall~~
26 ~~be paid by the state treasurer as follows:~~

27 ~~— (a) In accordance with the accounting laws of the state upon~~

~~certification of the executive director to reimburse an amount not to exceed the training costs incurred for each officer meeting the recruitment standards prescribed pursuant to this act during the period covered by the allocation, plus an amount not to exceed the necessary living expenses incurred by the officer that are necessitated by training requiring that he or she be away from his or her residence overnight.~~

~~—— (b) For the maintenance and administration of law enforcement officer testing and certification provided for by this act.~~

~~—— (2) If the money in the fund to be appropriated by the legislature for the training and living expenses described in subsection (1) are insufficient to allocate the amount for training and living purposes, the amount shall be reduced proportionately.~~

~~—— (3) An allocation shall not be made from the fund under this section to a training agency or to a city, county, township, or village or agency of the state that has not, throughout the period covered by the allocation, adhered to the standards established by the commission as applicable to either training or to personnel recruited or trained by the training agency, city, county, township, or village or agency of the state during that period.~~

~~—— (4) Expenditures from the fund to be appropriated by the legislature for law enforcement officer testing and certification described in subsection (1) shall not exceed the revenue generated from fees collected pursuant to section 11(1)(i) and (j).~~

(1) AN INDIVIDUAL OR ORGANIZATION TO WHOM AN INQUIRY IS MADE CONCERNING AN INDIVIDUAL'S COMPLIANCE WITH THE LICENSING STANDARDS ESTABLISHED IN THIS ACT SHALL RESPOND TO THE INQUIRY WITHIN 45

1 CALENDAR DAYS.

2 (2) AN INDIVIDUAL OR ORGANIZATION RESPONDING TO AN INQUIRY
3 CONCERNING AN INDIVIDUAL'S COMPLIANCE WITH THE LICENSING STANDARDS
4 ESTABLISHED IN THIS ACT MAY CHARGE THE INQUIRING PARTY REASONABLE
5 FEES TO COVER ACTUAL COSTS FOR PRODUCING INFORMATION, DOCUMENTS,
6 AND OTHER ITEMS REQUESTED.

7 Enacting section 1. Sections 4, 9d, 13, and 16 of the
8 commission on law enforcement standards act, 1965 PA 203, MCL
9 28.604, 28.609d, 28.613, and 28.616, are repealed.

10 Enacting section 2. This amendatory act takes effect 90 days
11 after the date it is enacted into law.