

**SUBSTITUTE FOR
HOUSE BILL NO. 5852**

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending section 9 (MCL 28.609), as amended by 2017 PA 198, and
by adding section 9e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) This section applies to all law enforcement
2 officers except individuals to whom sections 9a, 9b, 9c, and 9d
3 apply. Employment of law enforcement officers to whom this section
4 applies is subject to the licensing requirements and procedures of
5 this section **AND SECTION 9E**. An individual who seeks admission to a
6 preservice college basic law enforcement training academy or a
7 regional basic law enforcement training academy or the recognition
8 of prior basic law enforcement training and experience program for
9 purposes of licensure under this section shall submit to

1 fingerprinting as provided in section 11(3).

2 (2) The commission shall promulgate rules governing licensing
3 standards and procedures for individuals licensed under this
4 section. In promulgating the rules, the commission shall give
5 consideration to the varying factors and special requirements of
6 law enforcement agencies. Rules promulgated under this subsection
7 ~~shall~~ **MUST** pertain to the following:

8 (a) ~~Training~~ **SUBJECT TO SECTION 9E, TRAINING** requirements that
9 may be met by completing either of the following:

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

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

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

20 (a).

21 (c) Physical ability.

22 (d) Psychological fitness.

23 (e) Education.

24 (f) Reading and writing proficiency.

25 (g) Minimum age.

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

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

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

6 (k) Employment as a law enforcement officer.

7 (l) The form and manner for execution of a written oath of
8 office by a law enforcement agency with whom the individual is
9 employed, and the content of the written oath conferring authority
10 to act with all of the law enforcement authority described in the
11 laws of this state under which the individual is employed.

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

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

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

20 (b) A law enforcement agency employing an individual licensed
21 under this section authorizes the individual to exercise the law
22 enforcement authority described in the laws of this state under
23 which the individual is employed, by executing a written oath of
24 office.

25 (c) Not more than 10 calendar days after executing the oath of
26 office, the employing law enforcement agency shall attest in
27 writing to the commission that the individual to whom the oath was

1 administered satisfies the licensing standards by submitting an
2 executed affidavit and a copy of the executed oath of office.

3 (4) If, upon reviewing the executed affidavit and executed
4 oath of office, the commission determines that the individual
5 complies with the licensing standards, the commission shall grant
6 the individual a license.

7 (5) If, upon reviewing the executed affidavit and executed
8 oath of office, the commission determines that the individual does
9 not comply with the licensing standards, the commission may do any
10 of the following:

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

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

16 (c) Supervise additional screening, procedures, examinations,
17 testing, and other means used to determine compliance with the
18 licensing standards.

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

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

24 (7) An individual denied a license under this section shall
25 not exercise the law enforcement authority described in the laws of
26 this state under which the individual is employed. This subsection
27 does not divest the individual of that authority until the

1 individual has been informed that his or her licensure was denied.

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

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

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

13 (c) Maintain an employment history record.

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

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

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

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

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

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

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

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

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

17 (iv) An individual, having been employed as a law enforcement
18 officer for 2,080 hours or longer in aggregate, is continuously
19 subjected to a removal of the authority conferred by the oath of
20 office for less than 2 years.

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

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

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

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

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

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

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

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

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

27 (b) The individual obtained the license because another

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

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

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

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

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

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

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

27 (a) The commission shall initiate license revocation

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

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

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

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

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

21 (14) An individual licensed under this section shall not
22 exercise the law enforcement authority described in the laws of
23 this state under which the individual is employed if any of the
24 following occur:

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

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

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

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

3 SEC. 9E. (1) BEGINNING JANUARY 1, 2020, AN INDIVIDUAL SEEKING
4 TO BECOME LICENSED UNDER SECTION 9 SHALL COMPLETE ACTIVE VIOLENCE
5 RESPONSE TRAINING THAT EMPHASIZES COORDINATED TACTICAL RESPONSE TO
6 RAPIDLY DEVELOPING INCIDENTS IN WHICH INTENTIONAL PHYSICAL INJURY
7 OR DEATH TO A SPECIFIC POPULATION OCCURS THROUGH THE USE OF
8 CONVENTIONAL OR UNCONVENTIONAL WEAPONS AND TACTICS.

9 (2) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE
10 MINIMUM STANDARDS FOR THE ACTIVE VIOLENCE RESPONSE TRAINING
11 REQUIRED UNDER SUBSECTION (1).

12 (3) BEGINNING JANUARY 1, 2020, AN INDIVIDUAL WHO IS LICENSED
13 UNDER SECTION 9 SHALL COMPLETE THE ACTIVE VIOLENCE RESPONSE
14 TRAINING DESCRIBED UNDER SUBSECTION (1).

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.