

# HOUSE BILL No. 6175

September 30, 1992, Introduced by Reps. Hoekman, Bartnik, Hoffman, DeLange, Middaugh and Brackenridge and referred to the Committee on Marine Affairs and Port Development.

A bill to amend sections 2 and 9 of Act No. 203 of the Public Acts of 1965, entitled "Michigan law enforcement officers training council act of 1965," section 9 as amended by Act No. 15 of the Public Acts of 1985, being sections 28.602 and 28.609 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 9 of Act No. 203 of the Public  
2 Acts of 1965, section 9 as amended by Act No. 15 of the Public  
3 Acts of 1985, being sections 28.602 and 28.609 of the Michigan  
4 Compiled Laws, are amended to read as follows:

5 Sec. 2. As used in this act:

6 (a) "Council" means the law enforcement council.

7 (b) "Executive secretary" means the executive secretary of  
8 the council.

1 (C) "MARINE SAFETY OFFICER" MEANS A PERSON APPOINTED BY A  
2 SHERIFF OR POLICE DEPARTMENT TO ENFORCE THE MARINE SAFETY ACT,  
3 ACT NO. 303 OF THE T COMPILED LAWS, UNDER THE SUPERVISION OF THE  
4 APPOINTING SHERIFF OR POLICE DEPARTMENT.

5 (D) ~~-(c)-~~ "Police officer" or "law enforcement officer"  
6 means a member of a police force or other organization of a city,  
7 county, township, village or of the state, regularly employed as  
8 such and who is responsible for the prevention and detection of  
9 crime and the enforcement of the general criminal laws of this  
10 state, but shall not include any person serving as such solely by  
11 virtue of his occupying any other office or position.

12 Sec. 9. (1) The council shall prepare and publish minimum  
13 employment standards with due consideration to varying factors  
14 and special requirements of local police agencies relative to:

15 (a) Minimum standards of physical, educational, mental, and  
16 moral fitness which shall govern the recruitment, selection, and  
17 appointment of police officers.

18 (b) The approval of police training schools administered by  
19 a city, county, township, village, or corporation.

20 (c) Minimum courses of study, attendance requirements of at  
21 least 240 instructional hours, equipment, and facilities required  
22 at approved city, county, township, village, or corporation  
23 police training schools.

24 (d) The requirements in subdivision (c) ~~shall be~~ ARE  
25 waived if any of the following occur:

26 (i) The person has previously completed the mandatory  
27 training requirements and less than 1 year of police service, has

1 voluntarily or involuntarily discontinued his or her work as a  
2 law enforcement officer, and is again employed within 1 year  
3 after discontinuing work as a police officer.

4 (ii) The person has served more than 1 year and less than 5  
5 years, has completed the mandatory training requirements, and  
6 takes employment with another police agency within 18 months of  
7 discontinued service.

8 (iii) The person has served 5 years or more and takes  
9 employment with another police agency within 2 years of discon-  
10 tinued service.

11 (iv) The person is a member of a sheriff's posse or police  
12 auxiliary temporarily engaged in the performance of his or her  
13 duties under the direction of the sheriff or police department.

14 (v) THE PERSON IS A MARINE SAFETY OFFICER IN COMPLIANCE WITH  
15 SUBSECTION (4).

16 (e) Minimum qualifications for instructors at approved  
17 police training schools.

18 (f) Minimum basic training requirements which regularly  
19 employed police officers excluding sheriffs shall complete before  
20 being eligible for employment.

21 (g) Categories or classifications of advanced in-service  
22 training programs and minimum courses of study and attendance  
23 requirements for these categories or classifications.

24 (h) The establishment of subordinate regional training cen-  
25 ters in strategic geographic locations in order to serve the  
26 greatest number of police agencies that are unable to support  
27 their own training programs.

1 (i) Acceptance of certified basic police training and  
2 experience received in states other than Michigan in fulfillment  
3 in whole or in part of the minimum employment standards prepared  
4 and published by the council.

5 (2) Except as otherwise provided in this act, a regularly  
6 employed person employed on or after January 1, 1977, as a member  
7 of a police force having a full-time officer shall not be empow-  
8 ered to exercise all the authority of a peace officer in this  
9 state, or employed in a position which is granted the authority  
10 of a peace officer by statute, unless the person has complied  
11 with the minimum employment standards prepared and published by  
12 the council pursuant to this section. Law enforcement officers  
13 employed before January 1, 1977, may continue their employment  
14 and participate in training programs on a voluntary or assigned  
15 basis but failure to meet standards shall not be grounds for dis-  
16 missal of or termination of employment. A law enforcement offi-  
17 cer employed before January 1, 1977 who fails to meet the minimum  
18 employment standards established pursuant to this section and who  
19 voluntarily or involuntarily discontinues his or her work as a  
20 law enforcement officer may be employed with a law enforcement  
21 agency if that officer meets the requirements of subsection  
22 (1)(d)(iii).

23 (3) The council may establish an evaluation or testing pro-  
24 cess, or both, for the purpose of granting a waiver of the manda-  
25 tory training requirements to ~~those~~ A law enforcement  
26 ~~officers~~ OFFICER who ~~have~~ HAS been certified under this act  
27 and who ~~discontinue~~ DISCONTINUES employment as a law

1 enforcement officer for a period of time exceeding the time  
2 prescribed in subsection (1)(d)(i), (ii), or (iii).

3 (4) A MARINE SAFETY OFFICER WHO HAS NOT COMPLIED WITH THE  
4 EDUCATIONAL REQUIREMENTS OF SUBSECTION (1)(C) MAY ARREST A PERSON  
5 OR ISSUE A CITATION TO A PERSON FOR A MISDEMEANOR IF EACH OF THE  
6 FOLLOWING CONDITIONS IS MET:

7 (A) THE MISDEMEANOR IS COMMITTED IN THE PRESENCE OF THE  
8 MARINE SAFETY OFFICER WHILE THAT MARINE SAFETY OFFICER IS ENGAGED  
9 IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THE MARINE SAFETY  
10 ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS  
11 281.1001 TO 281.1199 OF THE MICHIGAN COMPILED LAWS.

12 (B) THE MARINE SAFETY OFFICER IS IN UNIFORM OR IS IN A  
13 VESSEL CLEARLY MARKED AS A SHERIFF OR POLICE DEPARTMENT VESSEL.