



HOUSE BILL No. 4516

March 18, 1993, Introduced by Reps. McBryde, Gagliardi, Anthony, Bandstra, Fitzgerald, Llewellyn, Bodem, Gernaat, Gustafson, McManus, Jaye, McNutt, London, Middleton, Owen, Shugars, Middaugh, Alley, Gnodtke, Randall, Bender, Dolan, Brackenridge, Pitoniak, Shepich, Goschka, Walberg, Cropsey, Lowe, Horton, Rhead, Mathieu, Keith and Jamian and referred to the Committee on Judiciary.

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 CREATED IN
7 SECTION 3.

8 (b) "Executive secretary" means the executive secretary of
9 the council APPOINTED PURSUANT TO SECTION 12.

1 (C) "LAW ENFORCEMENT OFFICER OF A POLICE FORCE OF A MICHIGAN
2 INDIAN TRIBE" MEANS A REGULARLY EMPLOYED MEMBER OF A POLICE FORCE
3 OF A MICHIGAN INDIAN TRIBE WHO IS APPOINTED PURSUANT TO 25
4 C.F.R. 11.301 TO 11.304.

5 (D) "MICHIGAN INDIAN TRIBE" MEANS A FEDERALLY RECOGNIZED
6 INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS STATE.

7 (E) ~~(c)~~ "Police officer" or "law enforcement officer"
8 means EITHER OF THE FOLLOWING:

9 (i) UNLESS THE CONTEXT REQUIRES OTHERWISE, a PERSON WHO IS
10 APPOINTED AS A member of a police force or other organization of
11 a city, county, township, village, or of the state, regularly
12 employed as such and who is responsible for the prevention and
13 detection of crime and the enforcement of the general criminal
14 laws of this state, but shall not include any person serving as
15 such solely by virtue of his OR HER occupying any other office or
16 position.

17 (ii) A LAW ENFORCEMENT OFFICER OF A POLICE FORCE OF A
18 MICHIGAN INDIAN TRIBE WHO IS APPOINTED TO SERVE, WITHOUT COMPEN-
19 SATION, AS A MEMBER OF A POLICE FORCE OR OTHER ORGANIZATION OF A
20 CITY, COUNTY, TOWNSHIP, VILLAGE, OR OF THE STATE AND WHO IS
21 RESPONSIBLE FOR THE PREVENTION AND DETECTION OF CRIME AND THE
22 ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF THIS STATE UNDER THE
23 APPOINTMENT.

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

1 (a) Minimum standards of physical, educational, mental, and
2 moral fitness which shall govern the recruitment, selection, and
3 appointment of police officers.

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

6 (c) Minimum courses of study, attendance requirements of at
7 least 240 instructional hours, equipment, and facilities required
8 at approved city, county, township, village, or corporation
9 police training schools.

10 (d) The requirements in subdivision (c) shall be waived if
11 any of the following occur:

12 (i) The person has previously completed the mandatory train-
13 ing requirements and SERVED less than 1 year ~~of police service~~
14 AS A LAW ENFORCEMENT OFFICER, has voluntarily or involuntarily
15 discontinued his or her ~~work~~ SERVICE as a law enforcement offi-
16 cer, and is again ~~employed~~ APPOINTED AS A LAW ENFORCEMENT
17 OFFICER within 1 year after discontinuing ~~work~~ SERVICE as a
18 ~~police officer~~ LAW ENFORCEMENT OFFICER.

19 (ii) The person has served more than 1 year ~~and~~ BUT less
20 than 5 years AS A LAW ENFORCEMENT OFFICER, has PREVIOUSLY com-
21 pleted the mandatory training requirements, and ~~takes employment~~
22 ~~with another police agency~~ IS AGAIN APPOINTED AS A LAW ENFORCE-
23 MENT OFFICER within 18 months ~~of discontinued~~ AFTER
24 DISCONTINUING service AS A LAW ENFORCEMENT OFFICER.

25 (iii) The person has served 5 years or more AS A LAW
26 ENFORCEMENT OFFICER and ~~takes employment with another police~~
27 ~~agency~~ IS AGAIN APPOINTED AS A LAW ENFORCEMENT OFFICER within 2

1 years ~~of discontinued~~ AFTER DISCONTINUING service AS A LAW
2 ENFORCEMENT OFFICER.

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

6 (e) Minimum qualifications for instructors at approved
7 police training schools.

8 (f) Minimum basic training requirements which ~~regularly~~
9 ~~employed police officers~~ A PERSON, excluding sheriffs, shall
10 complete before being eligible for ~~employment~~ APPOINTMENT AS A
11 POLICE OFFICER.

12 (g) Categories or classifications of advanced in-service
13 training programs and minimum courses of study and attendance
14 requirements for these categories or classifications.

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

19 (i) Acceptance of certified basic police training and LAW
20 ENFORCEMENT experience received BY A PERSON in ~~states other than~~
21 ~~Michigan~~ ANOTHER STATE in fulfillment in whole or in part of the
22 minimum employment standards prepared and published by the
23 council.

24 (J) ACCEPTANCE OF BASIC POLICE TRAINING AND LAW ENFORCEMENT
25 EXPERIENCE RECEIVED BY A PERSON IN FULFILLMENT IN WHOLE OR IN
26 PART OF THE MINIMUM EMPLOYMENT STANDARDS PREPARED AND PUBLISHED
27 BY THE COUNCIL IF BOTH OF THE FOLLOWING APPLY:

(i) EITHER OF THE FOLLOWING APPLIES:

(A) THE PERSON SUCCESSFULLY COMPLETED A BASIC POLICE TRAINING COURSE IN ANOTHER STATE OR THROUGH A FEDERALLY OPERATED POLICE TRAINING SCHOOL THAT WAS SUFFICIENT TO FULFILL IN PART THE MINIMUM EMPLOYMENT STANDARDS REQUIRED BY FEDERAL LAW TO BE APPOINTED AS A LAW ENFORCEMENT OFFICER OF A POLICE FORCE OF A MICHIGAN INDIAN TRIBE.

(B) THE PERSON SUCCESSFULLY COMPLETED A BASIC POLICE TRAINING COURSE AT A POLICE TRAINING SCHOOL CERTIFIED UNDER THIS ACT OR SUCCESSFULLY COMPLETED A PRESERVICE BASIC TRAINING PROGRAM ESTABLISHED UNDER THIS ACT AND OBTAINED A PASSING SCORE ON AN EXAMINATION ADMINISTERED UNDER SECTION 11(G).

(ii) EITHER OF THE FOLLOWING APPLIES:

(A) THE PERSON IS A LAW ENFORCEMENT OFFICER OF A POLICE FORCE OF A MICHIGAN INDIAN TRIBE.

(B) THE PERSON WAS A LAW ENFORCEMENT OFFICER OF A POLICE FORCE OF A MICHIGAN INDIAN TRIBE FOR A PERIOD OF 1 YEAR OR MORE.

(2) Except as otherwise provided in this act, a regularly employed person employed on or after January 1, 1977 ~~—~~ OR A LAW ENFORCEMENT OFFICER DESCRIBED IN SECTION 2(E)(ii) WHO IS APPOINTED as a member of a police force having a full-time officer shall not be empowered to exercise all the authority of a peace officer in this state, or employed in a position which is granted the authority of a peace officer by statute, unless the person has complied with the minimum employment standards prepared and published by the council pursuant to this section. Law enforcement officers employed before January 1, 1977, may

1 continue their employment and participate in training programs on
2 a voluntary or assigned basis but failure to meet standards shall
3 not be grounds for dismissal of or termination of employment. A
4 law enforcement officer employed before January 1, 1977 who fails
5 to meet the minimum employment standards established pursuant to
6 this section and who voluntarily or involuntarily discontinues
7 his or her work as a law enforcement officer may be employed with
8 a law enforcement agency if that officer meets the requirements
9 of subsection (1)(d)(iii).

10 (3) The council may establish an evaluation or testing pro-
11 cess, or both, for the purpose of granting a waiver of the manda-
12 tory training requirements to those law enforcement officers who
13 have been certified under this act and who discontinue
14 ~~employment~~ SERVICE as a law enforcement officer for a period of
15 time exceeding the time prescribed in subsection (1)(d)(i), (ii),
16 or (iii).

17 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A LAW
18 ENFORCEMENT OFFICER OF A POLICE FORCE OF A MICHIGAN INDIAN TRIBE
19 WHO SUCCESSFULLY COMPLETES AN ADVANCED IN-SERVICE TRAINING PRO-
20 GRAM IS ELIGIBLE TO HAVE THAT IN-SERVICE TRAINING CERTIFIED UNDER
21 THIS ACT IN THE SAME MANNER AS A LAW ENFORCEMENT OFFICER.