

SENATE BILL NO. 553

June 4, 1997, Introduced by Senators VAN REGENMORTER, NORTH
and ROGERS and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled
"Michigan law enforcement officers training council act of 1965,"
by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605,
28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614,
and 28.615), section 2 as amended by 1995 PA 204, section 3 as
amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and
section 11 as amended by 1985 PA 15, and by adding sections 9a,
9b, 9c, and 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the creation of ~~a law enforcement~~

3

~~officers training council~~ THE COMMISSION ON POLICE STANDARDS; TO

4

PRESCRIBE ITS MEMBERSHIP, POWERS, AND DUTIES; TO PRESCRIBE THE

5

DUTIES OF CERTAIN STATE AND LOCAL AGENCIES; to provide for

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1 additional costs in criminal cases; ~~and~~ TO PROVIDE FOR the
2 establishment of the law enforcement officers training fund; and
3 TO PROVIDE FOR DISBURSEMENT OF allocations ~~therefrom~~ FROM THE
4 LAW ENFORCEMENT OFFICERS TRAINING FUND to local agencies of gov-
5 ernment participating in a police training program.

6 Sec. 1. This act shall be known and may be cited as the
7 ~~"Michigan law enforcement officers training council act of~~
8 ~~1965"~~ "COMMISSION ON POLICE STANDARDS ACT".

9 Sec. 2. As used in this act:

10 (A) "CERTIFICATE" MEANS A NUMBERED DOCUMENT ISSUED BY THE
11 COMMISSION TO A PERSON WHO HAS RECEIVED CERTIFICATION UNDER THIS
12 ACT.

13 (B) "CERTIFICATION" MEANS EITHER OF THE FOLLOWING:

14 (i) A DETERMINATION BY THE COMMISSION THAT A PERSON MEETS
15 THE LAW ENFORCEMENT OFFICER MINIMUM STANDARDS TO BE EMPLOYED AS A
16 COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER AND THAT THE PERSON
17 IS AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A LAW ENFORCEMENT
18 OFFICER.

19 (ii) A DETERMINATION BY THE COMMISSION THAT A PERSON WAS
20 EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977 AND
21 THAT THE PERSON IS AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A
22 LAW ENFORCEMENT OFFICER.

23 (C) "CONTESTED CASE" MEANS THAT TERM AS DEFINED IN SECTION 3
24 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
25 24.203.

26 (D) ~~(a) "Council"~~ "COMMISSION" means the ~~law enforcement~~
27 ~~council~~ COMMISSION ON POLICE STANDARDS created in section 3.

1 (E) ~~(b)~~ "Executive ~~secretary~~ DIRECTOR" means the
2 executive ~~secretary~~ DIRECTOR of the ~~council~~ COMMISSION
3 appointed under section 12.

4 (F) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE
5 OR ANOTHER STATE THAT IS EITHER OF THE FOLLOWING:

6 (i) PUNISHABLE BY A TERM OF IMPRISONMENT GREATER THAN 2
7 YEARS.

8 (ii) EXPRESSLY DESIGNATED A FELONY BY STATUTE.

9 (G) "FUND" MEANS THE LAW ENFORCEMENT OFFICERS TRAINING FUND
10 CREATED IN SECTION 13.

11 (H) "LAW ENFORCEMENT OFFICER MINIMUM STANDARDS" MEANS STAN-
12 DARDS ESTABLISHED BY THE COMMISSION UNDER THIS ACT THAT A PERSON
13 MUST MEET TO BE ELIGIBLE FOR CERTIFICATION UNDER SECTION 9A(1).

14 (I) ~~(c)~~ "Law enforcement officer of a Michigan Indian
15 tribal police force" means a regularly employed member of a
16 police force of a Michigan Indian tribe who is appointed pursuant
17 to 25 C.F.R. 12.100 to 12.103.

18 (J) ~~(d)~~ "Michigan Indian tribe" means a federally recog-
19 nized Indian tribe that has trust lands located within this
20 state.

21 (K) ~~(e)~~ "Police officer" or "law enforcement officer"
22 means, unless the context requires otherwise, either of the
23 following:

24 (i) A REGULARLY EMPLOYED member of a police force or other
25 organization of a city, county, township, or village, or of the
26 state, ~~regularly employed as such,~~ who is responsible for the
27 prevention and detection of crime and the enforcement of the

1 general criminal laws of this state. ~~, but~~ POLICE OFFICER OR
2 LAW ENFORCEMENT OFFICER does not include a person serving ~~as~~
3 ~~such~~ solely ~~by virtue of his or her occupying~~ BECAUSE HE OR
4 SHE OCCUPIES any other office or position.

5 (ii) A law enforcement officer of a Michigan Indian tribal
6 police force, subject to the limitations set forth in
7 section 9(3).

8 (1) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
9 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
10 24.328.

11 Sec. 3. (1) The ~~law enforcement council is created to~~
12 ~~carry out the intent of this act and to consist of 11 members~~
13 ~~selected as follows:~~ COMMISSION ON POLICE STANDARDS IS CREATED
14 IN THE DEPARTMENT OF STATE POLICE.

15 (2) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

16 (a) The attorney general, or his or her designated
17 representative.

18 (b) The ~~commissioner~~ DIRECTOR of THE DEPARTMENT OF state
19 police, or his or her designated representative.

20 (C) NINE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE
21 AND CONSENT OF THE SENATE, AS FOLLOWS:

22 (i) ~~(c)~~ Three ~~members appointed to the council by the~~
23 ~~governor~~ INDIVIDUALS SELECTED from a list of 6 active VOTING
24 members OF AND submitted by the Michigan association of chiefs of
25 police OR ITS SUCCESSOR ORGANIZATION.

26 (ii) ~~(d)~~ Three ~~members appointed to the council by the~~
27 ~~governor~~ INDIVIDUALS SELECTED from a list of 6 ~~active law~~

1 ~~enforcement officials~~ ELECTED SHERIFFS submitted by the Michigan
 2 sheriffs association OR ITS SUCCESSOR ORGANIZATION. AN INDIVID-
 3 UAL SELECTED UNDER THIS SUBPARAGRAPH SHALL SERVE AS A COMMISSION
 4 MEMBER ONLY WHILE HE OR SHE IS SERVING A TERM OF OFFICE AS
 5 SHERIFF.

6 (iii) ~~(e)~~ One member appointed to the council by the gov-
 7 ernor from a list of 3 names submitted by the fraternal order of
 8 the police OR ITS SUCCESSOR ORGANIZATION.

9 (iv) ~~(f)~~ One member appointed to the council by the gover-
 10 nor from a list of 3 names submitted by the police officers asso-
 11 ciation of Michigan OR ITS SUCCESSOR ORGANIZATION.

12 (v) ~~(g)~~ One ~~member appointed to the council by the~~
 13 ~~governor~~ INDIVIDUAL SELECTED from a list of 3 ~~names~~
 14 INDIVIDUALS submitted by the Detroit police officers associations
 15 OR THEIR SUCCESSOR ORGANIZATIONS.

16 (3) ~~(2) All appointments made by the governor under this~~
 17 ~~act are subject to the advice and consent of the senate.~~ THE
 18 TERMS OF THE MEMBERS OF THE LAW ENFORCEMENT OFFICERS TRAINING
 19 COUNCIL EXPIRE ON THE DATE THAT ALL MEMBERS OF THE COMMISSION ON
 20 POLICE STANDARDS ARE APPOINTED.

21 Sec. 4. (1) ~~All~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
 22 SUBSECTION, members of the ~~council~~ COMMISSION APPOINTED UNDER
 23 SECTION 3(2)(C) shall hold office for a term of 3 years. ~~—~~
 24 ~~except that of~~ OF the members ~~first~~ INITIALLY appointed from
 25 THE LIST OF nominees submitted by the Michigan association of
 26 chiefs of police, ~~and the nominees submitted by the Michigan~~
 27 ~~sheriffs association~~— 1 MEMBER shall be appointed for A TERM OF

1 3 years, 1 MEMBER SHALL BE APPOINTED for A TERM OF 2 years, and 1
2 MEMBER SHALL BE APPOINTED for A TERM OF 1 year. OF THE MEMBERS
3 INITIALLY APPOINTED FROM THE LIST OF NOMINEES SUBMITTED BY THE
4 MICHIGAN SHERIFFS' ASSOCIATION, 1 MEMBER SHALL BE APPOINTED FOR A
5 TERM OF 3 YEARS, 1 MEMBER SHALL BE APPOINTED FOR A TERM OF 2
6 YEARS, AND 1 MEMBER SHALL BE APPOINTED FOR A TERM OF 1 YEAR.

7 (2) A vacancy ON THE COMMISSION caused by expiration of a
8 term or termination of ~~his~~ A MEMBER'S official position in law
9 enforcement shall be filled in the same manner as the original
10 appointment.

11 (3) A member appointed to fill a vacancy created other than
12 by expiration of a term shall be appointed for the unexpired term
13 of the member who he OR SHE is to succeed in the same manner as
14 the original appointment. ~~Any~~ A member may be reappointed for
15 additional terms.

16 Sec. 5. (1) The ~~council~~ COMMISSION shall ~~designate~~
17 ELECT from among its members a ~~chairman~~ CHAIRPERSON and a
18 ~~vice-chairman~~ VICE-CHAIRPERSON who shall serve for 1-year terms
19 and who may be ~~re-elected~~ REELECTED.

20 (2) Membership on the ~~council shall~~ COMMISSION DOES not
21 constitute holding a public office, and members of the council
22 ~~shall not be~~ ARE NOT required to take and file oaths of office
23 before serving on the council.

24 (3) The ~~council shall~~ COMMISSION DOES not have the right
25 to exercise any portion of the sovereign power of the state.

26 (4) ~~No~~ A member of the ~~council shall be~~ COMMISSION IS
27 NOT disqualified from holding any public office or employment by

1 reason of his OR HER appointment or membership on the ~~council,~~
2 ~~nor~~ COMMISSION AND shall ~~he~~ NOT forfeit any ~~such~~ PUBLIC
3 office or employment ~~, by reason~~ BECAUSE of his OR HER appoint-
4 ment ~~hereunder~~ TO THE COMMISSION, notwithstanding ~~the provi-~~
5 ~~sions of~~ any general, special, or local law, ordinance, or city
6 charter.

7 Sec. 6. (1) The ~~council~~ COMMISSION shall meet not less
8 than 4 times in each year ~~at Lansing~~ and shall hold special
9 meetings when called by the chairperson or, in the absence of the
10 chairperson, by the vice-chairperson. ~~or when~~ A SPECIAL MEETING
11 OF THE COMMISSION SHALL BE called by the chairperson upon the
12 written request of 5 members of the ~~council~~ COMMISSION.

13 (2) The ~~council~~ COMMISSION shall establish its own proce-
14 dures and requirements with respect to quorum, place and conduct
15 of its ~~meeting~~ MEETINGS, and other matters.

16 (3) ~~(2)~~ The COMMISSION'S business ~~which the council may~~
17 ~~perform~~ shall be conducted ~~at a public meeting of the council~~
18 ~~held~~ in compliance with ~~Act No. 267 of the Public Acts of 1976,~~
19 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws~~
20 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. Public
21 notice of the time, date, and place of the meeting shall be given
22 in the manner required by ~~Act No. 267 of the Public Acts of~~
23 ~~1976~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

24 Sec. 7. The ~~council~~ COMMISSION shall make an annual
25 report to the governor ~~which will include~~ THAT INCLUDES perti-
26 nent data regarding the LAW ENFORCEMENT OFFICER MINIMUM standards

1 ~~established~~ and the degree of participation of municipalities
2 in the training programs.

3 Sec. 8. The members of the ~~council~~ COMMISSION shall serve
4 without compensation. ~~but shall be~~ THE MEMBERS OF THE COMMISS-
5 SION ARE entitled to their actual expenses in attending meetings
6 and in the performance of their OFFICIAL duties. ~~hereunder.~~

7 Sec. 9. (1) The ~~council~~ COMMISSION shall ~~prepare and~~
8 ~~publish~~ PROMULGATE RULES TO ESTABLISH LAW ENFORCEMENT OFFICER
9 minimum ~~employment~~ standards. ~~with due~~ IN PROMULGATING THE
10 LAW ENFORCEMENT OFFICER MINIMUM STANDARDS, THE COMMISSION SHALL
11 GIVE consideration to THE varying factors and special require-
12 ments of local police agencies. ~~relative to~~ THE LAW ENFORCEMENT
13 OFFICER MINIMUM STANDARDS SHALL INCLUDE ALL OF THE FOLLOWING:

14 (a) Minimum standards of physical, educational, mental, and
15 moral fitness that govern the recruitment, selection, ~~and~~
16 appointment, AND CERTIFICATION of police officers.

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

19 (B) ~~(c)~~ Minimum courses of study, attendance requirements,
20 ~~of at least 240~~ AND instructional hours ~~, equipment, and~~
21 ~~facilities~~ INCLUDING NOT LESS THAN 4 INSTRUCTIONAL HOURS ON
22 CRIME VICTIM'S RIGHTS UNDER SECTION 24 OF ARTICLE I OF THE STATE
23 CONSTITUTION OF 1963 AND THE CRIME VICTIM'S RIGHTS ACT, 1985 PA
24 87, MCL 780.751 TO 780.834, required at approved ~~city, county,~~
25 ~~township, village, or corporation~~ police training schools.

26 ~~(d) The requirements in subdivision (c) shall be waived if~~
27 ~~any of the following occur:~~

1 ~~(i) The person has previously completed the mandatory~~
2 ~~training requirements and served 1 year or less as a law enforce-~~
3 ~~ment officer, has voluntarily or involuntarily discontinued his~~
4 ~~or her service as a law enforcement officer, and within 1 year~~
5 ~~after discontinuing that service is again employed as a law~~
6 ~~enforcement officer.~~

7 ~~(ii) The person has served more than 1 year but less than 5~~
8 ~~years as a law enforcement officer, has previously completed the~~
9 ~~mandatory training requirements, and is again employed as a law~~
10 ~~enforcement officer within 18 months after discontinuing service~~
11 ~~as a law enforcement officer.~~

12 ~~(iii) The person has served 5 years or more as a law~~
13 ~~enforcement officer and is again employed as a law enforcement~~
14 ~~officer within 2 years after discontinuing service as a law~~
15 ~~enforcement officer.~~

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

19 ~~(e) Minimum qualifications for instructors at approved~~
20 ~~police training schools.~~

21 (C) ~~-(f)-~~ Minimum basic training requirements that a person,
22 excluding sheriffs, shall complete before being eligible for
23 ~~employment as a law enforcement officer~~ CERTIFICATION UNDER
24 SECTION 9A(1).

25 (2) IF A PERSON'S CERTIFICATION UNDER SECTION 9A(1) BECOMES
26 VOID UNDER SECTION 9A(3)(B), THE COMMISSION SHALL WAIVE THE
27 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(B) FOR CERTIFICATION OF

1 THE PERSON UNDER SECTION 9A(1) IF 1 OR MORE OF THE FOLLOWING
2 APPLY:

3 (A) THE PERSON HAS BEEN EMPLOYED 1 YEAR OR LESS AS A COMMISS-
4 SION CERTIFIED LAW ENFORCEMENT OFFICER AND IS AGAIN EMPLOYED AS A
5 LAW ENFORCEMENT OFFICER WITHIN 1 YEAR AFTER DISCONTINUING EMPLOY-
6 MENT AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER.

7 (B) THE PERSON HAS BEEN EMPLOYED MORE THAN 1 YEAR BUT LESS
8 THAN 5 YEARS AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER
9 AND IS AGAIN EMPLOYED AS A LAW ENFORCEMENT OFFICER WITHIN 18
10 MONTHS AFTER DISCONTINUING EMPLOYMENT AS A COMMISSION CERTIFIED
11 LAW ENFORCEMENT OFFICER.

12 (C) THE PERSON HAS BEEN EMPLOYED 5 YEARS OR MORE AS A COM-
13 MISSION CERTIFIED LAW ENFORCEMENT OFFICER AND IS AGAIN EMPLOYED
14 AS A LAW ENFORCEMENT OFFICER WITHIN 2 YEARS AFTER DISCONTINUING
15 EMPLOYMENT AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER.

16 (3) THE COMMISSION SHALL PROMULGATE RULES WITH RESPECT TO
17 ALL OF THE FOLLOWING:

18 (A) ~~(g) Categories~~ THE CATEGORIES or classifications of
19 advanced in-service training programs FOR COMMISSION CERTIFIED
20 LAW ENFORCEMENT OFFICERS and minimum courses of study and
21 attendance requirements for ~~these~~ THE categories or
22 classifications.

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

1 (C) ~~(i) Acceptance~~ THE COMMISSION'S ACCEPTANCE of
2 certified basic police training and law enforcement experience
3 received by a person in another state in fulfillment in whole or
4 in part of the LAW ENFORCEMENT OFFICER minimum ~~employment~~
5 standards. ~~prepared and published by the council.~~

6 (D) THE COMMISSION'S APPROVAL OF POLICE TRAINING SCHOOLS
7 ADMINISTERED BY A CITY, COUNTY, TOWNSHIP, VILLAGE, OR
8 CORPORATION.

9 (E) THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS AT APPROVED
10 POLICE TRAINING SCHOOLS.

11 (F) THE MINIMUM FACILITIES AND EQUIPMENT REQUIRED AT
12 APPROVED POLICE TRAINING SCHOOLS.

13 (G) THE ESTABLISHMENT OF PRESERVICE BASIC TRAINING PROGRAMS
14 AT COLLEGES AND UNIVERSITIES.

15 (H) ~~(j)~~ Acceptance of basic police training and law
16 enforcement experience received by a person in fulfillment in
17 whole or in part of the LAW ENFORCEMENT OFFICER minimum
18 ~~employment~~ standards prepared and published by the ~~council~~
19 COMMISSION if both of the following apply:

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

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

4 (4) ~~(2)~~ Except as otherwise provided in this ~~act~~
5 SECTION, a regularly employed person employed on or after
6 January 1, 1977 as a member of a police force having a full-time
7 officer is not empowered to exercise all the authority of a peace
8 officer in this state, or be employed in a position for which the
9 authority of a peace officer is conferred by statute, unless the
10 person has ~~complied with the minimum employment standards pre-~~
11 ~~pared and published by the council pursuant to this section-~~
12 RECEIVED CERTIFICATION UNDER SECTION 9A(1). ~~Law~~

13 (5) A LAW enforcement ~~officers~~ OFFICER employed before
14 January 1, 1977 ~~,~~ may continue ~~their~~ HIS OR HER employment AS
15 A LAW ENFORCEMENT OFFICER and participate in training programs on
16 a voluntary or assigned basis but failure to ~~meet the standards~~
17 ~~described in this subsection shall~~ OBTAIN CERTIFICATION UNDER
18 SECTION 9A(1) OR (2) IS not ~~be~~ grounds for dismissal of or ter-
19 mination of THAT employment ~~.~~ ~~A~~ AS A law enforcement officer.
20 A PERSON WHO WAS employed AS A LAW ENFORCEMENT OFFICER before
21 January 1, 1977 who fails to ~~meet the minimum employment stan-~~
22 ~~dards established pursuant to this section~~ OBTAIN CERTIFICATION
23 UNDER SECTION 9A(1) and who voluntarily or involuntarily discon-
24 tinues his or her ~~work~~ EMPLOYMENT as a law enforcement officer
25 may be employed ~~with~~ AS a law enforcement ~~agency if that offi-~~
26 ~~cer meets the requirements of subsection (1)(d)(iii)~~ OFFICER IF
27 HE OR SHE WAS EMPLOYED 5 YEARS OR MORE AS A LAW ENFORCEMENT

1 OFFICER WITHIN 2 YEARS AFTER DISCONTINUING EMPLOYMENT AS A LAW
2 ENFORCEMENT OFFICER.

3 (6) ~~-(3)-~~ A law enforcement officer of a Michigan Indian
4 tribal police force is not empowered to exercise the authority of
5 a peace officer under the laws of this state and shall not be
6 employed in a position for which peace officer authority is
7 granted under the laws of this state unless all of the following
8 requirements are met:

9 (a) The tribal law enforcement officer is certified under
10 this act.

11 (b) The tribal law enforcement officer is 1 of the
12 following:

13 (i) Deputized by the sheriff of the county in which the
14 trust lands of the Michigan Indian tribe employing the tribal law
15 enforcement officer are located, or by the sheriff of any county
16 that borders the trust lands of that Michigan Indian tribe, pur-
17 suant to section 70 of ~~chapter 14 of the Revised Statutes of~~
18 ~~1846, being section 51.70 of the Michigan Compiled Laws~~ 1846 RS
19 14, MCL 51.70.

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

23 (c) The deputation or appointment of the tribal law enforce-
24 ment officer described in subdivision (b) is made pursuant to a
25 written contract that ~~shall include whatever~~ INCLUDES terms the
26 appointing authority under subdivision (b) may require between
27 the state or local law enforcement agency and the tribal

1 government of the Michigan Indian tribe employing the tribal law
2 enforcement officer.

3 (d) The written contract described in subdivision (c) is
4 incorporated into a self-determination contract, grant agreement,
5 or cooperative agreement between the United States secretary of
6 the interior and the tribal government of the Michigan Indian
7 tribe employing the tribal law enforcement officer pursuant to
8 the Indian self-determination and education assistance act, ~~of~~
9 ~~1975,~~ Public Law 93-638, 88 Stat. 2203.

10 (7) ~~(4)~~ The ~~council~~ COMMISSION may establish an evalu-
11 ation or testing process, or both, for ~~the purpose of~~ granting
12 a waiver ~~of the mandatory~~ FROM THE LAW ENFORCEMENT OFFICER MIN-
13 IMUM STANDARDS REGARDING training requirements to ~~those law~~
14 ~~enforcement officers who have been certified~~ A PERSON WHO HAS
15 HELD A CERTIFICATE under this act and who ~~discontinue service~~
16 DISCONTINUES EMPLOYMENT as a law enforcement officer for a period
17 of time exceeding the time prescribed in subsection ~~(1)(d)(i),~~
18 ~~(ii), or (iii)~~ (2)(A) TO (C) OR SUBSECTION (5), AS APPLICABLE.

19 SEC. 9A. (1) THE COMMISSION SHALL GRANT CERTIFICATION TO A
20 PERSON WHO MEETS THE LAW ENFORCEMENT OFFICER MINIMUM STANDARDS AT
21 THE TIME HE OR SHE IS EMPLOYED AS A LAW ENFORCEMENT OFFICER.

22 (2) THE COMMISSION SHALL GRANT CERTIFICATION TO A PERSON WHO
23 WAS EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977
24 AND WHO FAILS TO MEET THE LAW ENFORCEMENT OFFICER MINIMUM STAN-
25 DARDS IF THE PERSON IS AUTHORIZED TO BE EMPLOYED AS A LAW
26 ENFORCEMENT OFFICER UNDER SECTION 9.

1 (3) CERTIFICATION GRANTED TO A PERSON UNDER THIS ACT IS
2 VALID UNTIL EITHER OF THE FOLLOWING OCCURS:

3 (A) THE CERTIFICATION IS REVOKED.

4 (B) THE CERTIFICATION BECOMES VOID BECAUSE THE PERSON DIS-
5 CONTINUES HIS OR HER EMPLOYMENT AS A COMMISSION CERTIFIED LAW
6 ENFORCEMENT OFFICER.

7 (4) THE COMMISSION SHALL ISSUE A CERTIFICATE TO A PERSON WHO
8 HAS RECEIVED CERTIFICATION. A CERTIFICATE ISSUED TO A PERSON
9 REMAINS THE PROPERTY OF THE COMMISSION.

10 (5) UPON REQUEST OF THE COMMISSION, A PERSON WHOSE CERTIFI-
11 CATION IS REVOKED, OR BECOMES VOID BECAUSE THE PERSON DISCONTIN-
12 UES HIS OR HER EMPLOYMENT AS A COMMISSION CERTIFIED LAW ENFORCE-
13 MENT OFFICER, SHALL RETURN TO THE COUNCIL THE CERTIFICATE ISSUED
14 TO THE PERSON. A VIOLATION OF THIS SUBSECTION IS A MISDEMEANOR,
15 PUNISHABLE BY IMPRISONMENT FOR 90 DAYS, A FINE OF NOT MORE THAN
16 \$500.00, OR BOTH.

17 SEC. 9B. (1) THE COMMISSION SHALL PROMULGATE RULES THAT
18 PROVIDE FOR THE REVOCATION OF CERTIFICATION OF LAW ENFORCEMENT
19 OFFICERS. THE RULES SHALL CONSIDER THE LAW ENFORCEMENT OFFICER
20 MINIMUM STANDARDS RELATING TO THE MORAL FITNESS OF THE LAW
21 ENFORCEMENT OFFICER. THE RULES SHALL PROVIDE FOR THE REVOCATION
22 OF CERTIFICATION OF A LAW ENFORCEMENT OFFICER FOR 1 OR MORE OF
23 THE FOLLOWING:

24 (A) CONVICTION BY A JUDGE OR JURY OF A FELONY.

25 (B) CONVICTION BY A PLEA OF GUILTY TO A FELONY.

26 (C) CONVICTION BY A PLEA OF NO CONTEST TO A FELONY.

1 (D) MAKING A FALSE STATEMENT OR COMMITTING FRAUD DURING THE
2 APPLICATION FOR CERTIFICATION PROCESS.

3 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF A
4 FINAL DECISION OR ORDER THAT THE COMMISSION HAS DISCRETION TO
5 ISSUE REVOKES THE CERTIFICATION OF A LAW ENFORCEMENT OFFICER,
6 THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED
7 IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
8 24.201 TO 24.328.

9 (3) A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR
10 ORDER OF THE COMMISSION REVOKING THE CERTIFICATION OF A LAW
11 ENFORCEMENT OFFICER SHALL BE FILED ONLY IN THE CIRCUIT COURT FOR
12 INGHAM COUNTY.

13 (4) THE COMMISSION MAY ISSUE A SUBPOENA IN A CONTESTED CASE
14 TO REVOKE A LAW ENFORCEMENT OFFICER'S CERTIFICATION. THE SUB-
15 POENA SHALL BE ISSUED AS PROVIDED IN SECTION 73 OF THE ADMINIS-
16 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.273.

17 SEC. 9C. (1) THE COMMISSION MAY INVESTIGATE ALLEGED VIOLA-
18 TIONS OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

19 (2) IN CONDUCTING AN INVESTIGATION, THE COMMISSION MAY HOLD
20 HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS, AND ORDER TESTIMONY
21 TO BE TAKEN AT A HEARING OR BY DEPOSITION. A HEARING HELD UNDER
22 THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4 OF
23 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
24 24.271 TO 24.287. A FINAL DECISION ORDER ISSUED BY THE COMMIS-
25 SION IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED BY CHAPTER 6 OF
26 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
27 24.301 TO 24.306.

1 (3) THE COMMISSION MAY ISSUE A SUBPOENA TO DO EITHER OF THE
2 FOLLOWING:

3 (A) COMPEL THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEAR-
4 ING OR DEPOSITION AND GIVE TESTIMONY.

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

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

14 SEC. 9D. (1) A LAW ENFORCEMENT AGENCY SHALL MAINTAIN AN
15 EMPLOYMENT HISTORY RECORD FOR EACH LAW ENFORCEMENT OFFICER
16 EMPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE MANNER PRESCRIBED
17 BY THE COMMISSION.

18 (2) A LAW ENFORCEMENT AGENCY SHALL REPORT THE DATE ON WHICH
19 EACH PERSON COMMENCES OR TERMINATES EMPLOYMENT AS A LAW ENFORCE-
20 MENT OFFICER FOR THE LAW ENFORCEMENT AGENCY IN THE MANNER PRE-
21 SCRIBED BY THE COMMISSION.

22 Sec. 10. The ~~council~~ COMMISSION may enter into agreements
23 with ~~other agencies,~~ colleges, ~~and~~ universities, OR OTHER
24 AGENCIES to carry out the intent of this act.

25 Sec. 11. (1) The ~~council~~ COMMISSION may DO ALL OF THE
26 FOLLOWING:

1 (a) Visit and inspect a police training school, or examine
2 the curriculum or training procedures of a police training
3 school, for which application for approval OF THE SCHOOL has been
4 made.

5 (b) Issue certificates OF APPROVAL to police training
6 schools. ~~qualifying under the rules of the council.~~

7 (c) Authorize the issuance of certificates of graduation or
8 diplomas by approved police training schools to police officers
9 who have satisfactorily completed minimum courses of study.

10 (d) Cooperate with state, federal, and local police agencies
11 ~~in establishing~~ TO ESTABLISH and ~~conducting~~ CONDUCT local or
12 area schools, or regional training centers for instruction and
13 training of police officers of this state ~~, its~~ AND OF cities,
14 counties, townships, and villages.

15 (e) Make recommendations to the legislature on matters per-
16 taining to qualification and training of police officers.

17 (f) Establish preservice basic training programs at colleges
18 and universities. ~~which qualify under the rules of the council.~~

19 (g) Require ~~a state~~ AN examination for police officer cer-
20 tification UNDER SECTION 9A(1).

21 (h) Issue a waiver ~~of the mandatory training requirements~~
22 as provided for under section ~~9(3)~~ 9(7).

23 (I) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TEST-
24 ING AND TRAINING INDIVIDUALS WHO ARE NOT EMPLOYED BY A MICHIGAN
25 LAW ENFORCEMENT AGENCY.

1 (J) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF
2 ISSUING AND REISSUING CERTIFICATES FOR INDIVIDUALS WHO ARE
3 CERTIFIED AS LAW ENFORCEMENT OFFICERS IN THIS STATE.

4 (2) FEES CHARGED UNDER SUBSECTION (1)(I) AND (J) SHALL BE
5 DEPOSITED IN THE LAW ENFORCEMENT OFFICER TRAINING FUND CREATED IN
6 SECTION 13.

7 Sec. 12. ~~There~~ THE COMMISSION shall ~~be~~ APPOINT an exec-
8 utive ~~secretary~~ DIRECTOR of the ~~council who shall be appointed~~
9 ~~by the council, and who~~ COMMISSION. THE EXECUTIVE DIRECTOR
10 shall hold office ~~during~~ AT the pleasure of the ~~council~~
11 COMMISSION. ~~He~~ THE EXECUTIVE DIRECTOR shall perform ~~such~~ THE
12 functions and duties ~~as may be~~ THAT ARE assigned to him OR HER
13 by the ~~council~~ COMMISSION. ~~He~~ THE EXECUTIVE DIRECTOR shall
14 receive compensation and reimbursement for expenses ~~within the~~
15 ~~amounts available therefor~~ AS PROVIDED by appropriation.

16 Sec. 14. (1) The amounts annually appropriated by the leg-
17 islature FROM THE LAW ENFORCEMENT OFFICERS TRAINING FUND shall be
18 paid by the state treasurer ~~in~~ AS FOLLOWS:

19 (A) IN accordance with the accounting laws of the state upon
20 certification of the executive ~~secretary of the council for the~~
21 ~~purpose of reimbursing~~ DIRECTOR TO REIMBURSE an amount not to
22 exceed the training costs incurred for each officer meeting the
23 recruitment standards prescribed pursuant to this act during the
24 period covered by the allocation, plus an amount not to exceed
25 the necessary living expenses incurred by the officer ~~which~~
26 THAT are necessitated by training requiring that he OR SHE be
27 away from his OR HER residence overnight.

1 (B) FOR THE MAINTENANCE AND ADMINISTRATION OF POLICE OFFICER
2 TESTING AND CERTIFICATION PROVIDED FOR BY THIS ACT.

3 (2) If the ~~moneys~~ MONEY in the ~~law enforcement officers~~
4 ~~training~~ fund to be appropriated by the legislature for the
5 training and living expenses DESCRIBED IN SUBSECTION (1) are
6 insufficient to allocate the amount for training and living pur-
7 poses, the amount shall be reduced proportionately.

8 (3) An allocation shall not be made FROM THE FUND UNDER THIS
9 SECTION to a training agency or to a city, county, township, or
10 village or agency of the state ~~which~~ THAT has not, throughout
11 the period covered by the allocation, adhered to the standards
12 established by the ~~council~~ COMMISSION as applicable to either
13 training or TO personnel ~~or both~~ recruited or trained by the
14 training agency, city, county, township, or village or agency of
15 the state during ~~this~~ THAT period.

16 (4) MONEY IN THE FUND TO BE APPROPRIATED BY THE LEGISLATURE
17 FOR POLICE OFFICER TESTING AND CERTIFICATION DESCRIBED IN SUBSEC-
18 TION (1) SHALL NOT EXCEED THE REVENUE GENERATED FROM FEES COL-
19 LECTED PURSUANT TO SECTION 11(1)(I) AND (J).

20 Sec. 15. A training agency, city, county, township, or vil-
21 lage or state agency ~~which~~ THAT desires to receive reimburse-
22 ment pursuant to ~~this act~~ SECTION 14 shall ~~make application~~
23 APPLY to the ~~council~~ COMMISSION for the reimbursement. The
24 application shall contain information requested by the ~~council~~
25 COMMISSION.