



**House  
Legislative  
Analysis  
Section**

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**FUNDING FOR CORRECTIONS  
OFFICERS' TRAINING**

**House Bill 5977**

**Sponsor: Rep. Randy Richardville**

**House Bill 5978**

**Sponsor: Rep. Mike Kowall**

**House Bill 5979**

**Sponsor: Jennifer Faunce**

**Committee: Criminal Justice**

**Complete to 5-24-02**

**A SUMMARY OF HOUSE BILLS 5977- 5979 AS INTRODUCED 4-30-02**

The bills would require that all local corrections officers be trained and certified and establish a funding source for the training by imposing fees on the inmates of county and municipal jails. House Bill 5977 would create the Local Corrections Officers' Training Act, which would establish a fund for the training; and House Bills 5978 and 5979 would add new sections to the act regulating county jails to provide revenues for a Local Corrections Officer Training Fund training by imposing fees on inmates in county and municipal jails. House Bill 5977 is tie-barred to House Bills 5978 and 5979; House Bill 5978 is tie-barred to House Bill 5979; and House Bill 5979 is tie-barred to House Bill 5977.

House Bill 5977. The bill would create the Local Corrections Officers' Training Act to provide for the certification of, and develop standards and requirements for, local corrections officers, and establish a local corrections officers' advisory council.

Local Corrections Officers' Advisory Council. The council would be created within the Commission on Law Enforcement Standards (MCOLES), which was created under the Michigan Law Enforcement Officers Training Council Act [MCL 28.603]. It would develop standards and requirements for the education, training, and certification of local corrections officers, and would consist of twelve members appointed by the governor, as follows: three members from the Deputy Sheriffs Association; three members from the Michigan Sheriffs' Association, one of whom would have to be a jail administrator; one member from the Police Officers Association of Michigan; one member from the Fraternal Order of Police; one member from the Michigan Association of Counties; one member representing the general public; one member from MCOLES; and one member from the Michigan Association of Chiefs of Police.

Under the bill, council members would serve three-year terms, except that, of those first appointed, three would serve a one-year term; four would serve two-year terms; and three would serve three-year terms. Among other provisions, any member could be reappointed for additional terms. The bill would specify that the council chairperson and vice-chairperson, designated from members, would serve for one-year terms and could be reelected. Council business would be subject to the provisions of the Open Meetings Act (MCL 15.261 et al.).

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Council members would serve without compensation except for the actual expenses incurred in attending meetings and performing their duties.

The bill would also specify the following:

- A council member could not be disqualified from holding any public office or employment by reason of his or her appointment or membership on the council, nor would any such office or employment have to be forfeited, notwithstanding the provisions of any local or special act, or local law, ordinance, or charter.
- The council would have to appoint an executive secretary, upon the recommendation of MCOLES, and with compensation to be provided by MCOLES.
- Administrative support services for the council and the executive secretary would be provided by the council by separate appropriation.

Local Corrections Officer Training Fund. Under the bill, all revenue which, under the provisions of House Bills 5978 and 5979, would be collected from fees and civil fines from the inmates of county and municipal jails, would be credited to the fund. The council could use the fund only to defray the costs of continuing education, certification, recertification, decertification, and the training of local corrections officers; the hiring of, or contracting for, a training coordinator; and other expenditures related to the provisions of the bill. Unexpended funds remaining at the end of the fiscal year would remain in the fund and not revert to the general fund.

Training Certification. The bill would require that MCOLES certify and recertify on an annual basis those persons who satisfied the criteria established under the bill. Further, beginning six months after the bill's effective date, a person could not be a local corrections officer unless he or she had been certified or recertified by MCOLES, as provided under the bill.

Current Employees. The bill would specify that, effective January 1, 2004, a person employed as a local corrections officer before that date could not be certified or recertified unless he or she had both:

- Fulfilled the standards and requirements recommended by the council and approved by MCOLES for certification by January 1, 2006, with credit for prior training provided by the Department of Corrections allowed, but limited to, 160 hours of credit for training received before January 1, 2004.

- Fulfilled the standards and requirements developed by the council and approved by MCOLES for recertification.

New Employees. A person employed as a local corrections officer after January 1, 2004, could not be certified or recertified by the council unless he or she met the following conditions:

- Was a citizen of the U.S. and was 18 years of age or older.
- Had obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

- Had fulfilled other certification standards and requirements developed by the council within the first 24 months of employment.

- Had fulfilled the standards and requirements developed by MCOLES upon the recommendation of the council for recertification.

Minimum Standards and Requirements. The bill would require that, not later than one year after the bill's effective date, and as often as necessary after that, the council would have to develop minimum standards and requirements for local corrections officers with respect to the following:

- Recruitment, selection, and certification of new local corrections officers based upon at least, but not limited to, work experience, educational achievement, and physical and mental fitness.

- New employee and continuing training programs.

- Recertification process.

- Course content of the vocational certificate program, the central training academy, and continuing training programs.

- Decertification process.

The bill would specify that standards developed under these provisions would be subject to the approval of MCOLES. The bill would also require that the council recommend all approved training facilities for local corrections officers to MCOLES; and that the council make an annual report to MCOLES that included pertinent data regarding the standards and requirements established, and an evaluation on, the effectiveness of local corrections officer training programs.

House Bill 5978. The bill would add a new section to Public Act 171 of 1846, which regulates county jails (MCL 801.1 et al.) to require that, beginning January 1, 2003, each person incarcerated in a county jail would pay a \$10 fee, which would be payable to the county sheriff when the person was admitted into the jail. The fee could be collected by a withdrawal from any inmate account maintained by the sheriff for that inmate. Once each calendar quarter, the sheriff would have to forward all fees to the state treasurer for deposit in the Local Corrections Officers Training Fund established under the provisions of House Bill 5977. An inmate who failed to pay a fee before being discharged from the jail would be liable for a civil fine of \$100. A sheriff or deputy sheriff could issue an appearance ticket to an inmate who failed to pay a fee. The county prosecutor for the county in which the jail was located would be responsible for enforcing the civil violation. A civil fine collected under these provisions would be paid to the county treasurer, and the county treasurer would have to forward all civil fines once each calendar quarter to the state treasurer for deposit in the Local Corrections Officers Training Fund.

House Bill 5979 would also add a new section to Public Act 171 of 1846 to add provisions identical to those provided under House Bill 5978, except that the provisions of House Bill 5979

would apply to inmates in municipal jails and lockups. Also, under the bill, fines would be collected from a person incarcerated in a jail or lockup operated by a city, village, or township by the officer in charge, and the municipal attorney, rather than the county prosecutor, would be responsible for enforcing the civil violation incurred by a person who failed to pay a fee.

Analyst: R. Young

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.