

**SUBSTITUTE FOR  
HOUSE BILL NO. 5977**

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "local corrections officers training act".

3       Sec. 2. As used in this act:

4       (a) "Board" means the local corrections advisory board cre-  
5 ated in section 9.

6       (b) "Council" means the sheriffs coordinating and training  
7 council described in section 4.

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1 (c) "Executive secretary" means the executive secretary of  
2 the council.

3 (d) "Local correctional facility" means county jail, work  
4 camp, or any other facility maintained by a county that houses  
5 adult prisoners.

6 (e) "Local corrections officer" means any person employed by  
7 a county sheriff in a local correctional facility as a correc-  
8 tions officer or that person's supervisor or administrator.

9 (f) "Office" means the sheriffs coordinating and training  
10 office created in section 3.

11 Sec. 3. (1) The sheriffs coordinating and training office  
12 is created as an autonomous entity in the department of  
13 corrections. The department shall not be fiscally or programmat-  
14 ically responsible or liable for any of the responsibilities or  
15 duties of the office, council, or board contained in this act.

16 (2) The head of the office is the sheriffs coordinating and  
17 training council.

18 (3) The chief executive officer of the office is the execu-  
19 tive secretary, who shall be appointed by the council and who  
20 shall hold office at the pleasure of the council. The executive  
21 secretary shall perform the functions and duties as may be  
22 assigned by the council. The council may employ other persons as  
23 it considers necessary to implement the intent and purpose of  
24 this act.

25 Sec. 4. (1) The council consists of 7 members selected as  
26 follows:

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1 (a) The president of the Michigan sheriffs' association.

2 (b) One member appointed to the council for a 1-year term,  
3 to be elected by the Michigan sheriffs' association, who shall be  
4 a sheriff from a county having a population of over 400,000.

5 (c) One member appointed to the council for a 1-year term,  
6 to be elected by the Michigan sheriffs' association, who shall be  
7 a sheriff from a county having a population of between 100,000  
8 and 400,000.

9 (d) One member appointed to the council for a 1-year term,  
10 to be elected by the Michigan sheriffs' association, who shall be  
11 a sheriff from a county having a population under 100,000.

12 (e) Two members appointed to the council for terms of 1 year  
13 each, who shall be elected by the deputy sheriff's association of  
14 Michigan.

15 (f) One member appointed to the council for a 1-year term,  
16 who shall be elected by the jail administrators committee of the  
17 Michigan sheriffs' association.

18 (2) A member shall vacate his or her appointment upon termi-  
19 nation of his or her official position as a sheriff or a deputy  
20 sheriff. A vacancy shall be filled in the same manner as the  
21 original appointment. A member appointed to fill a vacancy cre-  
22 ated other than by expiration of a term shall be appointed for  
23 the unexpired term of the member whom he or she is to succeed in  
24 the same manner as the original appointment. Any member may be  
25 reappointed for additional terms.

26 (3) The terms of the members first appointed shall begin  
27 January 1 following the effective date of this act.

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1       Sec. 5. (1) The council shall designate from among its  
2 members a chairperson and vice-chairperson, who shall serve for  
3 1-year terms and who may be reelected.

4       (2) The council shall meet at least 4 times in each year and  
5 shall hold special meetings when called by the chairperson or, in  
6 the absence of the chairperson, by the vice-chairperson or when  
7 called by the chairperson upon the written request of 3 members  
8 of the council. The council shall establish its own procedures  
9 and requirements with respect to quorum, place, and conduct of  
10 its meetings and other matters.

11       (3) The business that the council may perform shall be con-  
12 ducted at a public meeting of the council held in compliance with  
13 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public  
14 notice of the time, date, and place of the meeting shall be given  
15 in the manner required by the open meetings act, 1976 PA 267,  
16 MCL 15.261 to 15.275.

17       (4) The members of the council shall serve without compensa-  
18 tion but shall be entitled to their actual expenses in attending  
19 meetings and in the performance of their duties.

20       Sec. 6. A member of the council shall not be disqualified  
21 from holding any public office or employment by reason of his or  
22 her appointment or membership on the council and shall not for-  
23 feit that public office or employment by reason of his or her  
24 appointment to the council, notwithstanding the provisions of any  
25 general, special, or local law, ordinance, or city charter.

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1       Sec. 7. Administrative support services for the council and  
2 executive secretary shall be provided by the council as provided  
3 by separate appropriation for the council.

4       Sec. 8. Not later than 1 year after the effective date of  
5 this act and as often as necessary after that, the council shall  
6 approve minimum standards and requirements for local corrections  
7 officers with respect to the following:

8       (a) Recruitment, selection, and certification of new local  
9 corrections officers based upon at least, but not limited to,  
10 work experience, educational achievement, and physical and mental  
11 fitness.

12       (b) New employee and continuing training programs.

13       (c) Recertification process.

14       (d) Course content of the vocational certificate program,  
15 the central training academy, and continuing training programs.

16       (e) Decertification process.

17       Sec. 9. (1) The local corrections officers advisory board  
18 is created within the council. The board shall consist of 9 mem-  
19 bers appointed by the council, as follows:

20       (a) Three members of the board shall be members of the  
21 deputy sheriff's association of Michigan.

22       (b) Three members of the board shall be members of the  
23 Michigan sheriffs' association.

24       (c) One member of the board shall be a member of the police  
25 officers association of Michigan.

26       (d) One member of the board shall be a member of the  
27 fraternal order of police.

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1           (e) One member of the board shall be a member of the  
2 Michigan association of counties.

3           (2) All members of the board shall hold office for terms of  
4 3 years each, except that of the members first appointed 3 shall  
5 serve for terms of 1 year each, 3 shall serve for terms of 2  
6 years each, and 3 shall serve for terms of 3 years each.  
7 Successors shall be appointed in the same manner as the original  
8 appointment.

9           (3) A person appointed as a member to fill a vacancy created  
10 other than by expiration of a term shall be appointed in the same  
11 manner as the original appointment for the remainder of the unex-  
12 pired term of the member whom the person is to succeed.

13           (4) Any member may be reappointed for additional terms.

14           (5) The members of the board shall serve without compensa-  
15 tion but shall be entitled to their actual expenses in attending  
16 meetings and in the performance of their duties.

17           (6) Not later than 6 months after the effective date of this  
18 act and as often as necessary after that, the board shall develop  
19 and recommend minimum standards and requirements for local cor-  
20 rections officers and shall submit those standards and require-  
21 ments to the council for the council's approval under section 8.

22           (7) The board shall recommend to the council all facilities  
23 that the board approves for providing training to local correc-  
24 tions officers under this act.

25           Sec. 10. The board shall make an annual report to the coun-  
26 cil that includes pertinent data regarding the standards and

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1 requirements established and an evaluation on the effectiveness  
2 of local corrections officer training programs.

3       Sec. 11. Beginning 6 months after the effective date of  
4 this act, a person shall not be a local corrections officer  
5 unless he or she is certified or recertified by the council as  
6 provided in section 12 or 13. The council shall certify those  
7 persons and recertify on an annual basis those persons who sat-  
8 isfy the criteria set forth in section 12 or 13.

9       Sec. 12. Effective January 1, 2004, a person who is  
10 employed as a local corrections officer before January 1, 2004,  
11 upon furnishing the council satisfactory evidence of his or her  
12 employment as a local corrections officer, shall be certified and  
13 recertified by the council as a local corrections officer if he  
14 or she applies to the council for certification within 6 months  
15 after the effective date of this act.

16       Sec. 13. A person who was not employed as a local correc-  
17 tions officer before January 1, 2004 but who becomes employed as  
18 a local corrections officer on or after January 1, 2004 shall not  
19 be certified or recertified by the council unless he or she meets  
20 the following conditions:

21       (a) He or she is a citizen of the United States and is 18  
22 years of age or older.

23       (b) He or she has obtained a high school diploma or attained  
24 a passing score on the general education development test indi-  
25 cating a high school graduation level.

26       (c) Not later than [12] months after becoming employed as a  
27 local corrections officer, he or she has fulfilled other

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1 standards and requirements developed by the board and approved by  
2 the council for certification.

3 (d) He or she has fulfilled standards and requirements  
4 developed by the council upon the recommendation of the board for  
5 recertification.

6 Sec. 14. The council may do all of the following:

7 (a) Enter into agreements with other public or private agen-  
8 cies or organizations to implement the intent of this act.

9 (b) Cooperate with and assist other public or private agen-  
10 cies or organizations to implement the intent of this act.

11 (c) Make recommendations to the legislature on matters per-  
12 taining to its responsibilities under this act.

13 Sec. 15. (1) The local corrections officers training fund  
14 is created in the state treasury. The fund shall be administered  
15 by the council, which shall expend the fund only as provided in  
16 this section.

17 (2) There shall be credited to the local corrections officer  
18 training fund all revenue received from fees and civil fines col-  
19 lected under section 4b of 1846 RS 171, MCL 801.4b, and funds  
20 from any other source provided by law.

21 (3) The council shall use the fund only to defray the costs  
22 of continuing education, certification, recertification, decerti-  
23 fication, and training of local corrections officers; the person-  
24 nel and administrative costs of the office, board, and council;  
25 and other expenditures related to the requirements of this act.  
26 Only counties that forward to the fund 100% of fees collected  
27 under section 4b of 1846 RS 171, MCL 801.4b, are eligible to



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1 receive grants from the fund. A county that receives funds from  
2 the council under this section shall use those funds only for  
3 costs relating to the continuing education, certification, recer-  
4 tification, and training of local corrections officers in that  
5 county and shall not use those funds to supplant current spending  
6 by the county for those purposes, including state grants and  
7 training funds.

8 (4) The council, upon written request, shall reimburse the  
9 full amount of any fee paid by a person under section 4b of 1846  
10 RS 171, MCL 801.4b, if the person was incarcerated pending trial  
11 and was found not guilty or the prosecution against the person  
12 was terminated for any reason. The council shall create and make  
13 available to all local correctional facilities in this state a  
14 written form explaining the provisions of this subsection. The  
15 form shall include the address to which the reimbursement request  
16 should be sent.

17 (5) Unexpended funds remaining in the fund at the end of the  
18 fiscal year shall remain in the fund and shall not revert to the  
19 general fund.

20 Sec. 16. The council may accept funds, grants, and gifts  
21 from any public or private source which shall be used to defray  
22 the expenses incident to implementing its responsibilities under  
23 this act.

24 Enacting section 1. This act does not take effect unless  
25 [House Bill No. 5978 of the 91st Legislature is enacted  
26 into law.

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