

HOUSE BILL No. 5977

April 30, 2002, Introduced by Reps. Richardville, Faunce, Kowall, Howell, Gilbert, Richner, Rivet, Lockwood, McConico, Raczkowski, Vander Veen, Ehardt, Bernero, Wojno, Woodward, Bovin, Koetje, Woronchak and Bishop and referred to the Committee on Criminal Justice.

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 local corrections officers' advisory council; and to prescribe the powers and duties of certain 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) "Correctional facility" means municipal or county jail,
5 work camp, lockup, holding center, halfway house, community
6 corrections center, or any other facility maintained by a
7 municipality or county that houses adult prisoners.

1 (b) "Council" means the local corrections officers' advisory
2 council created under section 3.

3 (c) "Executive secretary" means the executive secretary of
4 the council.

5 (d) "Local corrections officer" means any person employed by
6 a unit of local government in a correctional facility as a cor-
7 rections officer, or that person's supervisor or administrator.

8 (e) "MCOLES" means the commission on law enforcement stan-
9 dards created in section 3 of 1965 PA 203, MCL 28.603.

10 (f) "Training academy" means a training academy approved by
11 the council pursuant to section 15.

12 Sec. 3. The local corrections officers' advisory council is
13 created within MCOLES, and shall develop standards and require-
14 ments for education, training, and certification of local correc-
15 tions officers. The council shall consist of 12 members
16 appointed by the governor, as follows:

17 (a) Three members of the council shall be members of the
18 deputy sheriffs association of Michigan.

19 (b) Three members of the council shall be members of the
20 Michigan sheriffs' association, 1 of whom shall be a jail
21 administrator.

22 (c) One member of the council shall be a member of the
23 police officers association of Michigan.

24 (d) One member of the council shall be a member of the fra-
25 ternal order of police.

26 (e) One member of the council shall be a member of the
27 Michigan association of counties.

1 (f) One member of the council shall represent the general
2 public.

3 (g) One member of the council shall be a member of MCOLES.

4 (h) One member of the council shall be a member of the
5 Michigan association of chiefs of police.

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

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

16 (3) Any member may be reappointed for additional terms.

17 Sec. 5. (1) The council shall designate from among its mem-
18 bers a chairperson and a vice-chairperson who shall serve for
19 1-year terms and who may be reelected.

20 (2) The council shall meet at least 4 times in each year.
21 The council shall hold special meetings when called by the chair-
22 person or, in the absence of the chairperson, by the
23 vice-chairperson, or when called by the chairperson upon the
24 written request of 6 members of the council. The council shall
25 establish its own procedures and requirements with respect to
26 quorum, place, and conduct of its meeting and other matters.

1 (3) The business that the council may perform shall be
2 conducted at a public meeting of the council held in compliance
3 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
4 Public notice of the time, date, and place of the meeting shall
5 be given in the manner required by the open meetings act, 1976
6 PA 267, MCL 15.261 to 15.275.

7 (4) The members of the council shall serve without compensa-
8 tion but shall be entitled to their actual expenses in attending
9 meetings and in the performance of their duties under this act.

10 Sec. 6. A member of the council shall not be disqualified
11 from holding any public office or employment by reason of his or
12 her appointment or membership on the council, nor shall he or she
13 forfeit any such office or employment, by reason of his or her
14 appointment under this act, notwithstanding the provisions of any
15 local or special act or any local law, ordinance, or charter.

16 Sec. 7. An executive secretary of the council shall be
17 appointed by the council upon the recommendation of MCOLES. The
18 executive secretary shall perform functions and duties as are
19 assigned by the council. The executive secretary shall receive
20 compensation in an amount fixed by MCOLES and shall receive reim-
21 bursement for expenses within the amounts appropriated under sec-
22 tion 8.

23 Sec. 8. Administrative support services for the council and
24 executive secretary shall be provided by the council as provided
25 by separate appropriation for the council.

1 Sec. 9. (1) The local corrections officer training fund is
2 created in the state treasury. The council shall expend the fund
3 only as provided in this section.

4 (2) The state treasurer shall credit to the local correc-
5 tions officer training fund all revenue received from fees and
6 civil fines collected under section 4b of 1846 RS 171,
7 MCL 801.4b, and under section 4a of 1846 RS 171, MCL 801.4a, and
8 funds from any other source provided by law.

9 (3) The council shall use the fund only to defray the costs
10 of continuing education, certification, recertification, decerti-
11 fication, and training of local corrections officers; the hiring
12 of or contracting for a training coordinator; and other expendi-
13 tures related to the requirements of this act.

14 (4) Unexpended funds remaining in the fund at the end of the
15 fiscal year shall remain in the fund and shall not revert to the
16 general fund.

17 Sec. 10. Beginning 6 months after the effective date of
18 this act, a person shall not be a local corrections officer
19 unless he or she is certified or recertified by MCOLES as pro-
20 vided in section 11, 12, or 13. MCOLES shall certify those per-
21 sons and recertify on an annual basis those persons who satisfy
22 the criteria set forth in section 11, 12, or 13.

23 Sec. 11. Effective January 1, 2004, a person who is
24 employed as a local corrections officer before January 1, 2004
25 shall not be certified or recertified unless he or she has done
26 both of the following:

1 (a) Fulfilled standards and requirements recommended by the
2 council and approved by MCOLES for certification by January 1,
3 2006, with credit for prior training provided by the department
4 of corrections allowed but limited to 160 hours of credit for
5 training received before January 1, 2004.

6 (b) Fulfilled standards and requirements developed by the
7 council and approved by MCOLES for recertification.

8 Sec. 12. A person who was not employed as a local correc-
9 tions officer before January 1, 2004 but who becomes employed as
10 a local corrections officer on or after January 1, 2004 shall not
11 be certified or recertified by the council unless he or she meets
12 the following conditions:

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

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

18 (c) He or she has fulfilled other standards and requirements
19 developed by the council for certification within the first 24
20 months of employment.

21 (d) He or she has fulfilled standards and requirements
22 developed by MCOLES upon the recommendation of the council for
23 recertification.

24 Sec. 13. (1) Not later than 1 year after the effective date
25 of this act, and as often as necessary after that, the council
26 shall develop minimum standards and requirements for local
27 corrections officers with respect to the following:

1 (a) Recruitment, selection, and certification of new local
2 corrections officers based upon at least, but not limited to,
3 work experience, educational achievement, and physical and mental
4 fitness.

5 (b) New employee and continuing training programs.

6 (c) Recertification process.

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

9 (e) Decertification process.

10 (2) Standards developed under subsection (1) are subject to
11 the approval of MCOLES.

12 Sec. 14. The council shall recommend to MCOLES all approved
13 training facilities for local corrections officers.

14 Sec. 15. The council shall make an annual report to MCOLES
15 that includes pertinent data regarding the standards and require-
16 ments established and an evaluation on the effectiveness of local
17 corrections officer training programs.

18 Enacting section 1. This act does not take effect unless
19 all of the following bills of the 91st Legislature are enacted
20 into law:

21 (a) Senate Bill No. _____ or House Bill No. 5978 (request
22 no. 04778'01 a).

23 (b) Senate Bill No. _____ or House Bill No. 5979 (request
24 no. 04778'01 b).