

**SUBSTITUTE FOR
HOUSE BILL NO. 4515**

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 officers advisory
5 board created in section 9.

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

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
8 corrections officer or that person's supervisor or
9 administrator.

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

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

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

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

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

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

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

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

9 (d) One member appointed to the council for a 1-year term, to
10 be elected by the Michigan sheriffs' association, who shall be a
11 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
19 termination of his or her official position as a sheriff or a
20 deputy sheriff. A vacancy shall be filled in the same manner as
21 the original appointment. A member appointed to fill a vacancy
22 created 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.

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
12 conducted at a public meeting of the council held in compliance
13 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275,
14 and public notice of the time, date, and place of the meeting
15 shall be given in the manner required by that act.

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

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

25 Sec. 7. Administrative support services for the council and
26 executive secretary shall be provided by the council as provided
27 by separate appropriation for the council.

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

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

9 (b) New employee and continuing training programs.

10 (c) Recertification process.

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

13 (e) Decertification process.

14 Sec. 9. (1) The local corrections officers advisory board
15 is created within the council. The board shall consist of 9
16 members appointed by the council, as follows:

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

19 (b) Three members of the board shall be members of the
20 Michigan sheriffs' association.

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

23 (d) One member of the board shall be a member of the
24 fraternal order of police.

25 (e) One member of the board shall be a member of the Michigan
26 association of counties.

27 (2) All members of the board shall hold office for terms of 3

1 years each, except that of the members first appointed 3 shall
2 serve for terms of 1 year each, 3 shall serve for terms of 2
3 years each, and 3 shall serve for terms of 3 years each.
4 Successors shall be appointed in the same manner as the original
5 appointment.

6 (3) A person appointed as a member to fill a vacancy created
7 other than by expiration of a term shall be appointed in the same
8 manner as the original appointment for the remainder of the
9 unexpired term of the member whom the person is to succeed.

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

11 (5) The members of the board shall serve without compensation
12 but shall be entitled to their actual expenses in attending
13 meetings and in the performance of their duties.

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

20 (7) The board shall recommend to the council all facilities
21 that the board approves for providing training to local
22 corrections officers under this act.

23 Sec. 10. The board shall make an annual report to the
24 council that includes pertinent data regarding the standards and
25 requirements established and an evaluation on the effectiveness
26 of local corrections officer training programs.

27 Sec. 11. Beginning 6 months after the effective date of

1 this act, a person shall not be a local corrections officer
2 unless he or she is certified or recertified by the council as
3 provided in section 12 or 13. The council shall certify those
4 persons and recertify on an annual basis those persons who
5 satisfy the criteria set forth in section 12 or 13.

6 Sec. 12. Effective January 1, 2005, a person who is
7 employed as a local corrections officer before January 1, 2005,
8 upon furnishing the council satisfactory evidence of his or her
9 employment as a local corrections officer, shall be certified and
10 recertified by the council as a local corrections officer if he
11 or she applies to the council for certification within 6 months
12 after the effective date of this act.

13 Sec. 13. A person who was not employed as a local
14 corrections officer before January 1, 2005 but who becomes
15 employed as a local corrections officer on or after January 1,
16 2005 shall not be certified or recertified by the council unless
17 he or she meets all of the following conditions:

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

20 (b) He or she has obtained a high school diploma or attained
21 a passing score on the general education development test
22 indicating a high school graduation level.

23 (c) Not later than 12 months after becoming employed as a
24 local corrections officer, he or she has fulfilled other
25 standards and requirements developed by the board and approved by
26 the council for certification.

27 (d) He or she has fulfilled standards and requirements

1 developed by the council upon the recommendation of the board for
2 recertification.

3 Sec. 13a. Nothing in this act supersedes a right granted
4 under a collective bargaining agreement. A person who exercises
5 a right pursuant to a collective bargaining agreement that
6 results in that person being required to obtain certification
7 under this act shall be allowed not less than 2 years to obtain
8 that certification at the expense of the employer. Nothing in
9 this act prohibits the county sheriff from temporarily
10 transferring or assigning an uncertified employee to a position
11 normally requiring certification or from using an uncertified
12 employee to function as a corrections officer during any period
13 of emergency.

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

15 (a) Enter into agreements with other public or private
16 agencies or organizations to implement the intent of this act.

17 (b) Cooperate with and assist other public or private
18 agencies or organizations to implement the intent of this act.

19 (c) Make recommendations to the legislature on matters
20 pertaining to its responsibilities under this act.

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

25 (2) There shall be credited to the local corrections officer
26 training fund all revenue received from fees and civil fines
27 collected under section 4b of 1846 RS 171, MCL 801.4b, and funds

1 from any other source provided by law.

2 (3) The council shall use the fund only to defray the costs
3 of continuing education, certification, recertification,
4 decertification, and training of local corrections officers; the
5 personnel and administrative costs of the office, board, and
6 council; and other expenditures related to the requirements of
7 this act. Only counties that forward to the fund 100% of fees
8 collected under section 4b of 1846 RS 171, MCL 801.4b, are
9 eligible to receive grants from the fund. A county that receives
10 funds from the council under this section shall use those funds
11 only for costs relating to the continuing education,
12 certification, recertification, and training of local corrections
13 officers in that county and shall not use those funds to supplant
14 current spending by the county for those purposes, including
15 state grants and training funds.

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

25 (5) Unexpended funds remaining in the fund at the end of the
26 fiscal year shall remain in the fund and shall not revert to the
27 general fund.

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

5 Enacting section 1. This act takes effect October 1, 2003.

6 Enacting section 2. This act does not take effect unless
7 all of the following bills of the 92nd Legislature are enacted
8 into law:

9 (a) House Bill No. 4516.

10 (b) House Bill No. 4517.