

**SENATE 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, 2004.

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 October 1, 2004 and as often as  
2 necessary after that, the council shall approve minimum standards  
3 and requirements for local corrections officers with respect to  
4 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. The  
13 course content shall include education and training on how to  
14 identify and manage prisoners with a mental illness.

15       (e) Decertification process.

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

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

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

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

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

27       (e) One member of the board shall be a member of the Michigan

1 association of counties.

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

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

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

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

16 (6) Not later than April 1, 2004 and as often as necessary  
17 after that, the board shall develop and recommend minimum  
18 standards and requirements for local corrections officers and  
19 shall submit those standards and requirements to the council for  
20 the council's approval under section 8.

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

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

1       Sec. 11. Beginning April 1, 2004, a person shall not be a  
2 local corrections officer unless he or she is certified or  
3 recertified by the council as provided in section 12 or 13. The  
4 council shall certify those persons and recertify on an annual  
5 basis those persons who satisfy the criteria set forth in section  
6 12 or 13.

7       Sec. 12. Effective January 1, 2005, a person who is  
8 employed as a local corrections officer before January 1, 2005,  
9 upon furnishing the council satisfactory evidence of his or her  
10 employment as a local corrections officer, shall be certified and  
11 recertified by the council as a local corrections officer if he  
12 or she applies to the council for certification not later than  
13 April 1, 2004.

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

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

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

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

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

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

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

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

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

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

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

26 (2) There shall be credited to the local corrections officer  
27 training fund all revenue received from fees and civil fines



1 collected under section 4b of 1846 RS 171, MCL 801.4b, and funds  
2 from any other source provided by law.

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

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

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

1 general fund.

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

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

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

10       (a) House Bill No. 4516.

11       (b) House Bill No. 4517.