

**SUBSTITUTE FOR  
HOUSE BILL NO. 5907**

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2  
as amended by 2001 PA 186 and section 9 as amended by 1998 PA  
237.

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

1       Sec. 2. As used in this act:

2       (a) "Certificate" means a numbered document issued by the  
3 commission to a person who has received certification under this  
4 act.

5       (b) "Certification" means either of the following:

6       (i) A determination by the commission that a person meets the  
7 law enforcement officer minimum standards to be employed as a  
8 commission certified law enforcement officer and that the person  
9 is authorized under this act to be employed as a law enforcement

1 officer.

2 (ii) A determination by the commission that a person was  
3 employed as a law enforcement officer before January 1, 1977 and  
4 that the person is authorized under this act to be employed as a  
5 law enforcement officer.

6 (c) "Commission" means the commission on law enforcement  
7 standards created in section 3.

8 (d) "Contested case" means that term as defined in section 3  
9 of the administrative procedures act of 1969, 1969 PA 306,  
10 MCL 24.203.

11 (e) "Executive director" means the executive director of the  
12 commission appointed under section 12.

13 (f) "Felony" means a violation of a penal law of this state  
14 or another state that is either of the following:

15 (i) Punishable by a term of imprisonment greater than 1  
16 year.

17 (ii) Expressly designated a felony by statute.

18 (g) "Fund" means the law enforcement officers training fund  
19 created in section 13.

20 (h) "Law enforcement officer minimum standards" means  
21 standards established by the commission under this act that a  
22 person must meet to be eligible for certification under  
23 section 9a(1).

24 (i) "Law enforcement officer of a Michigan Indian tribal  
25 police force" means a regularly employed member of a police force  
26 of a Michigan Indian tribe who is appointed pursuant to **former** 25  
27 ~~C.F.R.~~ **CFR** 12.100 to 12.103.

House Bill No. 5907 (H-3) as amended July 14, 2004

1 (j) "Michigan Indian tribe" means a federally recognized  
2 Indian tribe that has trust lands located within this state.

3 (k) "Multicounty metropolitan district" means an entity  
4 authorized and established pursuant to state law by 2 or more  
5 counties with a combined population of not less than 3,000,000,  
6 for the purpose of cooperative planning, promoting, acquiring,  
7 constructing, owning, developing, maintaining, or operating  
8 parks.

9 (l) ~~(k)~~ "Police officer" or "law enforcement officer"  
10 means, unless the context requires otherwise, any of the  
11 following:

12 (i) A regularly employed member of a ~~police force or other~~  
13 ~~organization of a city, county, township, or village, of the~~  
14 ~~state, or of a state university or community college~~ law  
15 enforcement agency authorized and established pursuant to law,  
16 including common law, who is responsible for the prevention and  
17 detection of crime and the enforcement of the general criminal  
18 laws of this state. Police officer or law enforcement officer  
19 does not include a person serving solely because he or she  
20 occupies any other office or position.

21 (ii) A law enforcement officer of a Michigan Indian tribal  
22 police force, subject to the limitations set forth in  
23 section 9(3).

24 (iii) [The sergeant at arms or any assistant sergeant at arms  
25 of either house of the legislature who is commissioned as a  
26 police officer by that respective house of the legislature as  
27 provided by the legislative sergeant at arms police powers act, 2001 PA  
185, MCL 4.381 to 4.382.]

House Bill No. 5907 (H-3) as amended July 14, 2004

1 Until December 31, 2007, a law enforcement officer of a  
2 multicounty metropolitan district, subject to the limitations of  
3 section 9(7).

4 (iv) A county prosecuting attorney's investigator sworn and  
5 fully empowered by the sheriff of that county.

6 (v) Until December 31, 2007, a law enforcement officer of a  
7 school district in this state that has a membership of at least  
8 20,000 pupils and that includes in its territory a city with a  
9 population of at least 180,000 as of the most recent federal  
10 decennial census.

[(vi) A fire arson investigator from a fire department within a city  
with a population of not less than 750,000 who is sworn and fully  
empowered by the city chief of police.]

11 (m) ~~—(l)—~~ "Rule" means a rule promulgated pursuant to the  
12 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
13 24.328.

14 Sec. 9. (1) The commission shall promulgate rules to  
15 establish law enforcement officer minimum standards. In  
16 promulgating the law enforcement officer minimum standards, the  
17 commission shall give consideration to the varying factors and  
18 special requirements of local police agencies. The law  
19 enforcement officer minimum standards shall include all of the  
20 following:

21 (a) Minimum standards of physical, educational, mental, and  
22 moral fitness that govern the recruitment, selection,  
23 appointment, and certification of law enforcement officers.

24 (b) Minimum courses of study, attendance requirements, and  
25 instructional hours required at approved police training  
26 schools.

27 (c) The rules promulgated under this section shall not apply

1 to a member of a sheriff's posse or a police auxiliary  
2 temporarily performing his or her duty under the direction of the  
3 sheriff or police department.

4 (d) Minimum basic training requirements that a person,  
5 excluding sheriffs, shall complete before being eligible for  
6 certification under section 9a(1).

7 (2) If a person's certification under section 9a(1) becomes  
8 void under section 9a(4)(b), the commission shall waive the  
9 requirements described in subsection (1)(b) for certification of  
10 the person under section 9a(1) if 1 or more of the following  
11 apply:

12 (a) The person has been employed 1 year or less as a  
13 commission certified law enforcement officer and is again  
14 employed as a law enforcement officer within 1 year after  
15 discontinuing employment as a commission certified law  
16 enforcement officer.

17 (b) The person has been employed more than 1 year but less  
18 than 5 years as a commission certified law enforcement officer  
19 and is again employed as a law enforcement officer within 18  
20 months after discontinuing employment as a commission certified  
21 law enforcement officer.

22 (c) The person has been employed 5 years or more as a  
23 commission certified law enforcement officer and is again  
24 employed as a law enforcement officer within 2 years after  
25 discontinuing employment as a commission certified law  
26 enforcement officer.

27 (d) The person has successfully completed the mandatory

1 training and has been continuously employed as a law enforcement  
2 officer, but through no fault of that person the employing agency  
3 failed to obtain certification for that person as required by  
4 this act.

5 (3) The commission shall promulgate rules with respect to all  
6 of the following:

7 (a) The categories or classifications of advanced in-service  
8 training programs for commission certified law enforcement  
9 officers and minimum courses of study and attendance requirements  
10 for the categories or classifications.

11 (b) The establishment of subordinate regional training  
12 centers in strategic geographic locations in order to serve the  
13 greatest number of police agencies that are unable to support  
14 their own training programs.

15 (c) The commission's acceptance of certified basic police  
16 training and law enforcement experience received by a person in  
17 another state in fulfillment in whole or in part of the law  
18 enforcement officer minimum standards.

19 (d) The commission's approval of police training schools  
20 administered by a city, county, township, village, corporation,  
21 college, community college or university.

22 (e) The minimum qualifications for instructors at approved  
23 police training schools.

24 (f) The minimum facilities and equipment required at approved  
25 police training schools.

26 (g) The establishment of preservice basic training programs  
27 at colleges and universities.

1 (h) Acceptance of basic police training and law enforcement  
2 experience received by a person in fulfillment in whole or in  
3 part of the law enforcement officer minimum standards prepared  
4 and published by the commission if both of the following apply:

5 (i) The person successfully completed the basic police  
6 training in another state or through a federally operated police  
7 training school that was sufficient to fulfill the minimum  
8 standards required by federal law to be appointed as a law  
9 enforcement officer of a Michigan Indian tribal police force.

10 (ii) The person is or was a law enforcement officer of a  
11 Michigan Indian tribal police force for a period of 1 year or  
12 more.

13 (4) Except as otherwise provided in this section, a regularly  
14 employed person employed on or after January 1, 1977 as a member  
15 of a police force having a full-time officer is not empowered to  
16 exercise all the authority of a peace officer in this state, or  
17 be employed in a position for which the authority of a peace  
18 officer is conferred by statute, unless the person has received  
19 certification under section 9a(1).

20 (5) A law enforcement officer employed before January 1, 1977  
21 may continue his or her employment as a law enforcement officer  
22 and participate in training programs on a voluntary or assigned  
23 basis but failure to obtain certification under section 9a(1) or  
24 (2) is not grounds for dismissal of or termination of that  
25 employment as a law enforcement officer. A person who was  
26 employed as a law enforcement officer before January 1, 1977 who  
27 fails to obtain certification under section 9a(1) and who

1 voluntarily or involuntarily discontinues his or her employment  
2 as a law enforcement officer may be employed as a law enforcement  
3 officer if he or she was employed 5 years or more as a law  
4 enforcement officer and is again employed as a law enforcement  
5 officer within 2 years after discontinuing employment as a law  
6 enforcement officer.

7 (6) A law enforcement officer of a Michigan Indian tribal  
8 police force is not empowered to exercise the authority of a  
9 peace officer under the laws of this state and shall not be  
10 employed in a position for which peace officer authority is  
11 granted under the laws of this state unless all of the following  
12 requirements are met:

13 (a) The tribal law enforcement officer is certified under  
14 this act.

15 (b) The tribal law enforcement officer is 1 of the  
16 following:

17 (i) Deputized by the sheriff of the county in which the trust  
18 lands of the Michigan Indian tribe employing the tribal law  
19 enforcement officer are located, or by the sheriff of any county  
20 that borders the trust lands of that Michigan Indian tribe,  
21 pursuant to section 70 of 1846 RS 14, MCL 51.70.

22 (ii) Appointed as a police officer of the state or a city,  
23 township, charter township, or village that is authorized by law  
24 to appoint individuals as police officers.

25 (c) The deputation or appointment of the tribal law  
26 enforcement officer described in subdivision (b) is made pursuant  
27 to a written contract that includes terms the appointing



1 authority under subdivision (b) may require between the state or  
2 local law enforcement agency and the tribal government of the  
3 Michigan Indian tribe employing the tribal law enforcement  
4 officer.

5 (d) The written contract described in subdivision (c) is  
6 incorporated into a self-determination contract, grant agreement,  
7 or cooperative agreement between the United States secretary of  
8 the interior and the tribal government of the Michigan Indian  
9 tribe employing the tribal law enforcement officer pursuant to  
10 the Indian self-determination and education assistance act,  
11 Public Law 93-638, 88 Stat. 2203.

12 (7) A law enforcement officer of a multicounty metropolitan  
13 district, other than a law enforcement officer employed by a law  
14 enforcement agency created under the public body law enforcement  
15 agency act, is not empowered to exercise the authority of a peace  
16 officer under the laws of this state and shall not be employed in  
17 a position for which peace officer authority is granted under the  
18 laws of this state unless all of the following requirements are  
19 met:

20 (a) The law enforcement officer has met or exceeded minimum  
21 standards for certification under this act.

22 (b) The law enforcement officer is deputized by the sheriff  
23 or sheriffs of the county or counties in which the land of the  
24 multicounty metropolitan district employing the law enforcement  
25 officer is located and in which the law enforcement officer will  
26 work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

27 (c) The deputation or appointment of the law enforcement

1 officer is made pursuant to a written agreement that includes  
2 terms the deputizing authority under subdivision (b) may require  
3 between the state or local law enforcement agency and the  
4 governing board of the multicounty metropolitan district  
5 employing the law enforcement officer.

6 (d) The written agreement described in subdivision (c) is  
7 filed with the commission.

8 (8) A public body that creates a law enforcement agency under  
9 the public body law enforcement agency act and that employs 1 or  
10 more law enforcement officers certified under this act shall be  
11 considered to be a law enforcement agency for purposes of section  
12 9d.

13 (9) ~~-(7)-~~ The commission may establish an evaluation or  
14 testing process, or both, for granting a waiver from the law  
15 enforcement officer minimum standards regarding training  
16 requirements to a person who has held a certificate under this  
17 act and who discontinues employment as a law enforcement officer  
18 for a period of time exceeding the time prescribed in subsection  
19 (2)(a) to (c) or subsection (5), as applicable.

20 Enacting section 1. This amendatory act does not take  
21 effect unless House Bill No. 5906 of the 92nd Legislature is  
22 enacted into law.