

**SENATE 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.

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

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

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

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

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

(iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act,

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1 2001 PA 185, MCL 4.381 to 4.382.

2 (iv) A law enforcement officer of a multicounty metropolitan
3 district, subject to the limitations of section 9(7).

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

6 (vi) 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.

11 (vii) ~~<A>~~ fire arson investigator from
12 a fire department within a city with a population of not less
13 than 750,000 who is sworn and fully empowered by the city chief
14 of police.

15 (m) ~~-(l)-~~ "Rule" means a rule promulgated pursuant to the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328.

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

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

1 (b) Minimum courses of study, attendance requirements, and
2 instructional hours required at approved police training
3 schools.

4 (c) The rules promulgated under this section ~~shall~~ do not
5 apply to a member of a sheriff's posse or a police auxiliary
6 temporarily performing his or her duty under the direction of the
7 sheriff or police department.

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

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

16 (a) The person has been employed 1 year or less as a
17 commission certified law enforcement officer and is again
18 employed as a law enforcement officer within 1 year after
19 discontinuing employment as a commission certified law
20 enforcement officer.

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

26 (c) The person has been employed 5 years or more as a
27 commission certified law enforcement officer and is again

1 employed as a law enforcement officer within 2 years after
2 discontinuing employment as a commission certified law
3 enforcement officer.

4 (d) The person has successfully completed the mandatory
5 training and has been continuously employed as a law enforcement
6 officer, but through no fault of that person the employing agency
7 failed to obtain certification for that person as required by
8 this act.

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

11 (a) The categories or classifications of advanced in-service
12 training programs for commission certified law enforcement
13 officers and minimum courses of study and attendance requirements
14 for the categories or classifications.

15 (b) The establishment of subordinate regional training
16 centers in strategic geographic locations in order to serve the
17 greatest number of police agencies that are unable to support
18 their own training programs.

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

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

26 (e) The minimum qualifications for instructors at approved
27 police training schools.

1 (f) The minimum facilities and equipment required at approved
2 police training schools.

3 (g) The establishment of preservice basic training programs
4 at colleges and universities.

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

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

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

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

24 (5) A law enforcement officer employed before January 1, 1977
25 may continue his or her employment as a law enforcement officer
26 and participate in training programs on a voluntary or assigned
27 basis but failure to obtain certification under section 9a(1) or

1 (2) is not grounds for dismissal of or termination of that
2 employment as a law enforcement officer. A person who was
3 employed as a law enforcement officer before January 1, 1977 who
4 fails to obtain certification under section 9a(1) and who
5 voluntarily or involuntarily discontinues his or her employment
6 as a law enforcement officer may be employed as a law enforcement
7 officer if he or she was employed 5 years or more as a law
8 enforcement officer and is again employed as a law enforcement
9 officer within 2 years after discontinuing employment as a law
10 enforcement officer.

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

17 (a) The tribal law enforcement officer is certified under
18 this act.

19 (b) The tribal law enforcement officer is 1 of the
20 following:

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

26 (ii) Appointed as a police officer of the state or a city,
27 township, charter township, or village that is authorized by law

1 to appoint individuals as police officers.

2 (c) The deputation or appointment of the tribal law
3 enforcement officer described in subdivision (b) is made pursuant
4 to a written contract that includes terms the appointing
5 authority under subdivision (b) may require between the state or
6 local law enforcement agency and the tribal government of the
7 Michigan Indian tribe employing the tribal law enforcement
8 officer.

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

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

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

26 (b) The law enforcement officer is deputized by the sheriff
27 or sheriffs of the county or counties in which the land of the

1 multicounty metropolitan district employing the law enforcement
2 officer is located and in which the law enforcement officer will
3 work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

4 (c) The deputation or appointment of the law enforcement
5 officer is made pursuant to a written agreement that includes
6 terms the deputizing authority under subdivision (b) may require
7 between the state or local law enforcement agency and the
8 governing board of the multicounty metropolitan district
9 employing the law enforcement officer.

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

12 (8) A public body that creates a law enforcement agency under
13 the public body law enforcement agency act and that employs 1 or
14 more law enforcement officers certified under this act shall be
15 considered to be a law enforcement agency for purposes of section
16 9d.

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

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