

HOUSE BILL No. 5841

April 29, 2004, Introduced by Reps. Plakas, Farrah, Sak, O'Neil, Spade, Condino, Gillard, Bieda, Anderson, Adamini, Waters, Law, Clack, Elkins, Lipsey, Hood, Tobocman, Whitmer, Brown, Hardman, Woodward, Murphy, Phillips, Daniels, Reeves, Hune, Gaffney, Wenke, Moolenaar, Woronchak, Pumford and McConico and referred to the Committee on Criminal Justice.

A bill to amend 1982 PA 302, entitled

"An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules,"

by amending sections 1 and 3 (MCL 18.421 and 18.423), as amended by 1989 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Alcoholic liquor" means that term as defined in section
3 ~~2~~ 105 of the Michigan liquor control ~~act, Act No. 8 of the~~
4 ~~Public Acts of the Extra Session of 1933, being section 436.2 of~~
5 ~~the Michigan Compiled Laws~~ code of 1998, 1998 PA 58, MCL
6 436.1105.

7 (b) "Certified police officer" means a police officer who is
8 granted certification under the commission on law enforcement

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1 **standards act, 1965 PA 203, MCL 28.601 to 28.616.**

2 (c) ~~(b)~~ "Eligible entity" means a city, village, township,
3 county, junior college, community college, state supported
4 college or university, ~~or~~ the department of state police, **or an**
5 **authority created by or pursuant to state law.**

6 (d) ~~(e)~~ "Fund" means the Michigan justice training fund
7 created in section 5.

8 (e) ~~(d)~~ "In-service criminal justice training" means a
9 criminal justice educational program presented by an agency or
10 entity eligible to receive funds pursuant to this act or by a
11 contractual service provider hired by the agency or entity
12 eligible to receive funds pursuant to this act, including a
13 course or package of instruction provided to an eligible trainee
14 for the payment of a fee or tuition, or education or training
15 presented through the use of audio-visual materials, which
16 program, education, or training is designed and intended to
17 enhance the direct delivery of criminal justice services by
18 eligible employees of the agency or entity.

19 ~~(e) "MLEOTC certified police officer" means an individual~~
20 ~~certified as a police officer under the Michigan law enforcement~~
21 ~~officers training council act of 1965, Act No. 203 of the Public~~
22 ~~Acts of 1965, being sections 28.601 to 28.616 of the Michigan~~
23 ~~Compiled Laws.~~

24 (f) "Professional association" means a national, state, or
25 local police union, or an association or fraternal organization
26 of police officers, correctional officers, or prosecuting
27 attorneys.

1 (g) "State or local agency" means any of the following:

2 (i) An agency, department, division, bureau, board,
3 commission, council, or authority of the state or of a city,
4 village, township, or county.

5 (ii) A state supported college or university.

6 (iii) A community college or junior college.

7 (iv) Any agency or entity of the judicial branch of
8 government of this state.

9 Sec. 3. The commission shall do all of the following, with
10 the assistance of the department of management and budget:

11 (a) Annually distribute 60% of the fund to eligible entities
12 not including the money in the fund pursuant to section 5(2). An
13 eligible entity receiving a distribution under this subdivision
14 shall expend the distribution only for the in-service criminal
15 justice training of its police officers. An eligible entity that
16 uses money received under this subdivision shall maintain
17 detailed records of the actual costs associated with the
18 preparation for, the administration of, and the actual conducting
19 of the training program. Use of money received under this
20 subdivision for the payment of unreasonable or duplicative costs,
21 as determined by the commission, shall result in the forfeiture
22 of the money received by the eligible entity under this
23 subdivision. Money distributed to an eligible entity ~~which~~
24 **that** is not expended in the fiscal year of the distribution shall
25 only be expended by the eligible entity for the in-service
26 criminal justice training of its police officers in future fiscal
27 years. An eligible entity receiving a distribution pursuant to

1 this subdivision shall use the entire distribution for the
2 in-service criminal justice training of its police officers
3 within 2 years after receiving the distribution. If the eligible
4 entity fails or refuses to use the entire distribution for the
5 in-service criminal justice training of its police officers
6 within 2 years after receiving the distribution, the eligible
7 entity shall not be eligible to receive additional distributions
8 pursuant to this subdivision until the prior distribution is used
9 for the in-service criminal justice training of its police
10 officers. A distribution made under this subdivision shall serve
11 as a supplement to, and not as a replacement for, the funds
12 budgeted on October 12, 1982, by an eligible entity for the
13 in-service criminal justice training of its police officers. The
14 distribution shall be made in 2 semiannual installments on dates
15 determined by the commission and shall be expended only for the
16 direct costs of the in-service criminal justice training of
17 police officers. The funds shall be distributed on a per capita
18 basis to eligible entities based upon the number of full-time
19 equated sworn ~~MLEOTC~~ certified police officers employed. Each
20 eligible entity shall receive a minimum distribution of \$500.00.
21 For purposes of this subdivision, the number of full-time equated
22 sworn ~~MLEOTC~~ certified police officers shall be determined by
23 dividing the total number of paid work hours actually worked by
24 sworn ~~MLEOTC~~ certified police officers in the eligible entity's
25 fiscal year by 2,080 hours, rounded down to the nearest whole
26 number. For each year, the percentage of police officers who
27 provide direct police service receiving training under this act

1 shall be equal to or greater than the percentage of police
2 officers who are in full-time administrative positions receiving
3 training under this act.

4 (b) Annually distribute through a competitive grant process
5 the balance of the fund after making the distributions required
6 in subdivisions (a) and (d) and the expenditures required under
7 section 2(3). In distributing money from the fund, the
8 commission shall consider the quality and cost effectiveness of
9 the training programs of applicants for funds and the criminal
10 justice needs of this state. Money shall not be distributed
11 under this subdivision to a professional association. In
12 distributing money from the fund, the commission shall attempt to
13 provide equity in funding for training programs for prosecutors
14 and assigned criminal defense counsel. A state or local agency
15 that uses money received under this subdivision shall maintain
16 detailed records of the actual costs associated with the
17 preparation for, the administration of, and the actual conducting
18 of the training program. Use of money received under this
19 subdivision for the payment of unreasonable or duplicative costs,
20 as determined by the auditor general or the commission, shall
21 result in the forfeiture of the money received by the state or
22 local agency under this subdivision. Grants under this
23 subdivision shall be distributed only to the following:

24 (i) State or local agencies for the purpose of providing
25 in-service criminal justice training programs to employees of
26 those state or local agencies. A distribution made under this
27 subparagraph shall serve as a supplement to, and not as a

1 replacement for, the funds budgeted on October 12, 1982, by a
2 state or local agency for in-service criminal justice training.

3 (ii) State or local agencies providing criminal justice
4 training to the employees or the contractual service providers of
5 other state or local agencies. A distribution made under this
6 subparagraph shall be used to enhance and increase, but not
7 supplant, the amount of local, federal, and other state funds
8 that, in the absence of money from the Michigan justice training
9 fund, are available for criminal justice training. As used in
10 this subparagraph, "criminal justice training" means training
11 ~~which~~ **that** is designed and intended to enhance the direct
12 delivery of criminal justice services by employees of state or
13 local agencies, ~~;~~ ~~which~~ **that** is not required minimum basic
14 training for police officers or initial training for other
15 employees, ~~;~~ and ~~which~~ **that** is any of the following:

16 (A) A criminal justice educational program presented by the
17 state or local agency or by a contractual training provider hired
18 by the agency.

19 (B) A criminal justice course or package of instruction
20 provided to an eligible trainee for the payment of a fee or
21 tuition.

22 (C) Self-education presented through the use of audio-visual
23 materials.

24 (c) Promulgate rules pursuant to the administrative
25 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
26 ~~as amended, being sections 24.201 to 24.328 of the Michigan~~
27 ~~Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328**, which prescribe

1 the procedures by which the commission shall distribute money
2 from the fund.

3 (d) Annually distribute an amount from the fund to the
4 department of management and budget to cover the reasonable
5 expenses of providing staff services to the commission, and to
6 cover the expense of maintaining a register of available criminal
7 justice training programs in this state.