

# HOUSE BILL No. 5907

May 13, 2004, Introduced by Reps. Van Regenmorter, Condino, Ward, Brandenburg, Stahl, Pappageorge, Ruth Johnson, Stakoe, Nofs and Acciavatti and referred to the Committee on Criminal Justice.

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.

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 parks**  
8 **or limited access highways and any necessary connecting drives**  
9 **between those parks and highways.**

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

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

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

25       (iii) ~~The sergeant at arms or any assistant sergeant at arms~~  
26 ~~of either house of the legislature who is commissioned as a~~  
27 ~~police officer by that respective house of the legislature as~~

1 ~~provided by the legislative sergeant at arms police powers act.~~  
2 A law enforcement officer of a multicounty metropolitan district,  
3 subject to the limitations of section 9(7).

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

6 (m) ~~-(l)-~~ "Rule" means a rule promulgated pursuant to the  
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
8 24.328.

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

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

19 (b) Minimum courses of study, attendance requirements, and  
20 instructional hours required at approved police training  
21 schools.

22 (c) The rules promulgated under this section shall not apply  
23 to a member of a sheriff's posse or a police auxiliary  
24 temporarily performing his or her duty under the direction of the  
25 sheriff or police department.

26 (d) Minimum basic training requirements that a person,  
27 excluding sheriffs, shall complete before being eligible for

1 certification under section 9a(1).

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

7 (a) The person has been employed 1 year or less as a  
8 commission certified law enforcement officer and is again  
9 employed as a law enforcement officer within 1 year after  
10 discontinuing employment as a commission certified law  
11 enforcement officer.

12 (b) The person has been employed more than 1 year but less  
13 than 5 years as a commission certified law enforcement officer  
14 and is again employed as a law enforcement officer within 18  
15 months after discontinuing employment as a commission certified  
16 law enforcement officer.

17 (c) The person has been employed 5 years or more as a  
18 commission certified law enforcement officer and is again  
19 employed as a law enforcement officer within 2 years after  
20 discontinuing employment as a commission certified law  
21 enforcement officer.

22 (d) The person has successfully completed the mandatory  
23 training and has been continuously employed as a law enforcement  
24 officer, but through no fault of that person the employing agency  
25 failed to obtain certification for that person as required by  
26 this act.

27 (3) The commission shall promulgate rules with respect to all

1 of the following:

2 (a) The categories or classifications of advanced in-service  
3 training programs for commission certified law enforcement  
4 officers and minimum courses of study and attendance requirements  
5 for the categories or classifications.

6 (b) The establishment of subordinate regional training  
7 centers in strategic geographic locations in order to serve the  
8 greatest number of police agencies that are unable to support  
9 their own training programs.

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

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

17 (e) The minimum qualifications for instructors at approved  
18 police training schools.

19 (f) The minimum facilities and equipment required at approved  
20 police training schools.

21 (g) The establishment of preservice basic training programs  
22 at colleges and universities.

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

27 (i) The person successfully completed the basic police

1 training in another state or through a federally operated police  
2 training school that was sufficient to fulfill the minimum  
3 standards required by federal law to be appointed as a law  
4 enforcement officer of a Michigan Indian tribal police force.

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

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

15 (5) A law enforcement officer employed before January 1, 1977  
16 may continue his or her employment as a law enforcement officer  
17 and participate in training programs on a voluntary or assigned  
18 basis but failure to obtain certification under section 9a(1) or  
19 (2) is not grounds for dismissal of or termination of that  
20 employment as a law enforcement officer. A person who was  
21 employed as a law enforcement officer before January 1, 1977 who  
22 fails to obtain certification under section 9a(1) and who  
23 voluntarily or involuntarily discontinues his or her employment  
24 as a law enforcement officer may be employed as a law enforcement  
25 officer if he or she was employed 5 years or more as a law  
26 enforcement officer and is again employed as a law enforcement  
27 officer within 2 years after discontinuing employment as a law

1 enforcement officer.

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

8 (a) The tribal law enforcement officer is certified under  
9 this act.

10 (b) The tribal law enforcement officer is 1 of the  
11 following:

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

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

20 (c) The deputation or appointment of the tribal law  
21 enforcement officer described in subdivision (b) is made pursuant  
22 to a written contract that includes terms the appointing  
23 authority under subdivision (b) may require between the state or  
24 local law enforcement agency and the tribal government of the  
25 Michigan Indian tribe employing the tribal law enforcement  
26 officer.

27 (d) The written contract described in subdivision (c) is



1 incorporated into a self-determination contract, grant agreement,  
2 or cooperative agreement between the United States secretary of  
3 the interior and the tribal government of the Michigan Indian  
4 tribe employing the tribal law enforcement officer pursuant to  
5 the Indian self-determination and education assistance act,  
6 Public Law 93-638, 88 Stat. 2203.

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

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

17 (b) The law enforcement officer is deputized by the sheriff  
18 or sheriffs of the county or counties in which the land of the  
19 multicounty metropolitan district employing the law enforcement  
20 officer is located and in which the law enforcement officer will  
21 work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

22 (c) The deputation or appointment of the law enforcement  
23 officer is made pursuant to a written agreement that includes  
24 terms the deputizing authority under subdivision (b) may require  
25 between the state or local law enforcement agency and the  
26 governing board of the multicounty metropolitan district  
27 employing the law enforcement officer.

1       (d) The written contract described in subdivision (c) is  
2 filed with the commission.

3       (8) ~~—(7)—~~ The commission may establish an evaluation or  
4 testing process, or both, for granting a waiver from the law  
5 enforcement officer minimum standards regarding training  
6 requirements to a person who has held a certificate under this  
7 act and who discontinues employment as a law enforcement officer  
8 for a period of time exceeding the time prescribed in subsection  
9 (2)(a) to (c) or subsection (5), as applicable.

10       Enacting section 1. This amendatory act does not take  
11 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5906  
12 (request no. 06578'04 \*\*) of the 92nd Legislature is enacted into  
13 law.