

SUBSTITUTE FOR
HOUSE BILL NO. 4335

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The commission shall promulgate rules to establish
2 law enforcement officer minimum standards. **THE RULES DO NOT APPLY**
3 **TO A MEMBER OF A SHERIFF'S POSSE OR A POLICE AUXILIARY TEMPORARILY**
4 **PERFORMING HIS OR HER DUTY UNDER THE DIRECTION OF THE SHERIFF OR**
5 **POLICE DEPARTMENT.** In promulgating the law enforcement officer
6 minimum standards, the commission shall give consideration to the
7 varying factors and special requirements of local police agencies.
8 The law enforcement officer minimum standards shall include all of
9 the following:

10 (a) Minimum standards of physical, educational, mental, and

1 moral fitness that govern the recruitment, selection, appointment,
2 and certification of law enforcement officers.

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

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

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

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

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

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

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

1 employment as a commission certified law enforcement officer.

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

7 (3) A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER WHO IS A
8 MEMBER OF ANY OF THE RESERVE COMPONENTS OF THE UNITED STATES ARMED
9 FORCES AND WHO IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES IS NOT
10 CONSIDERED TO HAVE DISCONTINUED HIS OR HER EMPLOYMENT AS A
11 COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER UNDER SECTION
12 9A(4)(B). THE PERSON'S CERTIFICATION UNDER SECTION 9A(1) SHALL NOT
13 BECOME VOID DURING THAT TERM OF ACTIVE MILITARY SERVICE. HOWEVER,
14 THE CERTIFICATION OF A CERTIFIED LAW ENFORCEMENT OFFICER DESCRIBED
15 IN THIS SUBSECTION MAY BE REVOKED UNDER SECTION 9B IF THE OFFICER
16 COMMITTED AN OFFENSE DURING THE PERIOD OF ACTIVE DUTY IN THE ARMED
17 FORCES THAT RESULTED IN A CONVICTION ENUMERATED IN SECTION 9B(1).
18 AS USED IN THIS SUBSECTION, "RESERVE COMPONENTS OF THE UNITED
19 STATES ARMED FORCES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
20 MILITARY FAMILY RELIEF FUND ACT, 2004 PA 363, MCL 35.1212. THIS
21 SUBSECTION DOES NOT APPLY TO A COMMISSION CERTIFIED LAW ENFORCEMENT
22 OFFICER WHO VOLUNTEERS FOR A TERM OF ACTIVE MILITARY SERVICE OR WHO
23 VOLUNTARILY EXTENDS A TERM OF ACTIVE MILITARY SERVICE THAT BEGAN
24 WHEN HE OR SHE WAS CALLED TO ACTIVE DUTY. THIS SUBSECTION DOES NOT
25 APPLY TO A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER WHO IS
26 DISHONORABLY DISCHARGED FROM A TERM OF ACTIVE MILITARY SERVICE.

27 (4) ~~—(3)—~~ The commission shall promulgate rules with respect

1 to all of the following:

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

6 (b) The establishment of subordinate regional training centers
7 in strategic geographic locations in order to serve the greatest
8 number of police agencies that are unable to support their own
9 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 at
22 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 part
25 of the law enforcement officer minimum standards prepared and
26 published by the commission if both of the following apply:

27 (i) The person successfully completed the basic police training

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

7 (5) ~~—(4)—~~ Except as otherwise provided in this section, a
8 regularly employed person employed on or after January 1, 1977 as a
9 member of a police force having a full-time officer is not
10 empowered to exercise all the authority of a peace officer in this
11 state, or be employed in a position for which the authority of a
12 peace officer is conferred by statute, unless the person has
13 received certification under section 9a(1).

14 (6) ~~—(5)—~~ A law enforcement officer employed before January 1,
15 1977 may continue his or her employment as a law enforcement
16 officer and participate in training programs on a voluntary or
17 assigned basis but failure to obtain certification under section
18 9a(1) or (2) is not grounds for dismissal of or termination of that
19 employment as a law enforcement officer. A person who was employed
20 as a law enforcement officer before January 1, 1977 who fails to
21 obtain certification under section 9a(1) and who voluntarily or
22 involuntarily discontinues his or her employment as a law
23 enforcement officer may be employed as a law enforcement officer if
24 he or she was employed 5 years or more as a law enforcement officer
25 and is again employed as a law enforcement officer within 2 years
26 after discontinuing employment as a law enforcement officer.

27 (7) ~~—(6)—~~ A law enforcement officer of a Michigan Indian

1 tribal police force is not empowered to exercise the authority of a
2 peace officer under the laws of this state and shall not be
3 employed in a position for which peace officer authority is granted
4 under the laws of this state unless all of the following
5 requirements are met:

6 (a) The tribal law enforcement officer is certified under this
7 act.

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

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

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

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

23 (d) The written contract described in subdivision (c) is
24 incorporated into a self-determination contract, grant agreement,
25 or cooperative agreement between the United States secretary of the
26 interior and the tribal government of the Michigan Indian tribe
27 employing the tribal law enforcement officer pursuant to the Indian

1 self-determination and education assistance act, Public Law 93-638,
2 88 Stat. 2203.

3 (8) ~~—(7)—~~ A law enforcement officer of a multicounty
4 metropolitan district, other than a law enforcement officer
5 employed by a law enforcement agency created under the public body
6 law enforcement agency act, is not empowered to exercise the
7 authority of a peace officer under the laws of this state and shall
8 not be employed in a position for which peace officer authority is
9 granted under the laws of this state unless all of the following
10 requirements are met:

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

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

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

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

26 (9) ~~—(8)—~~ A public body that creates a law enforcement agency
27 under the public body law enforcement agency act and that employs 1

1 or more law enforcement officers certified under this act shall be
2 considered to be a law enforcement agency for purposes of section
3 9d.

4 **(10)** ~~—(9)—~~ The commission may establish an evaluation or
5 testing process, or both, for granting a waiver from the law
6 enforcement officer minimum standards regarding training
7 requirements to a person who has held a certificate under this act
8 and who discontinues employment as a law enforcement officer for a
9 period of time exceeding the time prescribed in subsection (2)(a)
10 to (c) ~~—or subsection (5),—~~ **OR (6)**, as applicable.