

HOUSE BILL No. 4335

February 17, 2005, Introduced by Reps. Newell, Meyer, Stahl, Moore, Walker, Gaffney, Garfield, Hildenbrand, Pearce, Pavlov, Emmons, Stakoe, Sheen, Mortimer, Green, Jones, Huizenga, Steil, Casperson, Booher, Nofs, Gleason, Accavitti, Bieda, Dillon, Wojno, Tobocman, Brown, David Law, Farhat, Williams, Elsenheimer, Shaffer, Robertson and Schuitmaker and referred to the Committee on Judiciary.

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.

1 The law enforcement officer minimum standards shall include all of
2 the following:

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

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

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

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

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

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

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

1 (c) The person has been employed 5 years or more as a
2 commission certified law enforcement officer and is again employed
3 as a law enforcement officer within 2 years after discontinuing
4 employment as a commission certified law enforcement officer.

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

10 (3) A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER WHO IS A
11 MEMBER OF ANY OF THE RESERVE COMPONENTS OF THE UNITED STATES ARMED
12 FORCES AND WHO IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES IS NOT
13 CONSIDERED TO HAVE DISCONTINUED HIS OR HER EMPLOYMENT AS A
14 COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER UNDER SECTION
15 9A(4)(B). THE PERSON'S CERTIFICATION UNDER SECTION 9A(1) SHALL NOT
16 BECOME VOID DURING THAT TERM OF ACTIVE MILITARY SERVICE. HOWEVER,
17 THE COMMISSION MAY REQUIRE THAT A COMMISSION CERTIFIED LAW
18 ENFORCEMENT OFFICER, UPON RETURNING FROM ACTIVE MILITARY SERVICE,
19 REESTABLISH PROFICIENCY IN FIREARMS, FIRST AID, DRIVING, USE OF
20 FORCE, AND LEGAL STANDARDS. AS USED IN THIS SUBSECTION, "RESERVE
21 COMPONENTS OF THE UNITED STATES ARMED FORCES" MEANS THAT TERM AS
22 DEFINED IN SECTION 2 OF THE MILITARY FAMILY RELIEF FUND ACT, 2004
23 PA 363, MCL 35.1212.

24 (4) ~~-(3)-~~ The commission shall promulgate rules with respect
25 to all of the following:

26 (a) The categories or classifications of advanced in-service
27 training programs for commission certified law enforcement officers

1 and minimum courses of study and attendance requirements for the
2 categories or classifications.

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

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

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

14 (e) The minimum qualifications for instructors at approved
15 police training schools.

16 (f) The minimum facilities and equipment required at approved
17 police training schools.

18 (g) The establishment of preservice basic training programs at
19 colleges and universities.

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

24 (i) The person successfully completed the basic police training
25 in another state or through a federally operated police training
26 school that was sufficient to fulfill the minimum standards
27 required by federal law to be appointed as a law enforcement

1 officer of a Michigan Indian tribal police force.

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

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

11 (6) ~~-(5)-~~ A law enforcement officer employed before January 1,
12 1977 may continue his or her employment as a law enforcement
13 officer and participate in training programs on a voluntary or
14 assigned basis but failure to obtain certification under section
15 9a(1) or (2) is not grounds for dismissal of or termination of that
16 employment as a law enforcement officer. A person who was employed
17 as a law enforcement officer before January 1, 1977 who fails to
18 obtain certification under section 9a(1) and who voluntarily or
19 involuntarily discontinues his or her employment as a law
20 enforcement officer may be employed as a law enforcement officer if
21 he or she was employed 5 years or more as a law enforcement officer
22 and is again employed as a law enforcement officer within 2 years
23 after discontinuing employment as a law enforcement officer.

24 (7) ~~-(6)-~~ A law enforcement officer of a Michigan Indian
25 tribal police force is not empowered to exercise the authority of a
26 peace officer under the laws of this state and shall not be
27 employed in a position for which peace officer authority is granted

1 under the laws of this state unless all of the following
2 requirements are met:

3 (a) The tribal law enforcement officer is certified under this
4 act.

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

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

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

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

20 (d) The written contract described in subdivision (c) is
21 incorporated into a self-determination contract, grant agreement,
22 or cooperative agreement between the United States secretary of the
23 interior and the tribal government of the Michigan Indian tribe
24 employing the tribal law enforcement officer pursuant to the Indian
25 self-determination and education assistance act, Public Law 93-638,
26 88 Stat. 2203.

27 (8) ~~—(7)—~~ A law enforcement officer of a multicounty

1 metropolitan district, other than a law enforcement officer
2 employed by a law enforcement agency created under the public body
3 law enforcement agency act, is not empowered to exercise the
4 authority of a peace officer under the laws of this state and shall
5 not be 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 law enforcement officer has met or exceeded minimum
9 standards for certification under this act.

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

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

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

23 (9) ~~—(8)—~~ A public body that creates a law enforcement agency
24 under the public body law enforcement agency act and that employs 1
25 or more law enforcement officers certified under this act shall be
26 considered to be a law enforcement agency for purposes of section
27 9d.

1 **(10)** ~~—(9)—~~ The commission may establish an evaluation or
2 testing process, or both, for granting a waiver from the law
3 enforcement officer minimum standards regarding training
4 requirements to a person who has held a certificate under this act
5 and who discontinues employment as a law enforcement officer for a
6 period of time exceeding the time prescribed in subsection (2)(a)
7 to (c) ~~or subsection (5),~~ **OR (6),** as applicable.