

SENATE BILL No. 1043

December 18, 2009, Introduced by Senator RICHARDVILLE and referred to the Committee on Judiciary.

A bill to amend 2003 PA 125, entitled
"Local corrections officers training act,"
by amending the title and sections 2, 8, 9, 10, 11, 12, 13, 14, 15,
and 16 (MCL 791.532, 791.538, 791.539, 791.540, 791.541, 791.542,
791.543, 791.544, 791.545, and 791.546) and by adding section 3a;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to improve the training and education of local
corrections officers; to provide for the certification,
RECERTIFICATION, AND DECERTIFICATION of local corrections officers
and the development of standards and requirements for local

1 corrections officers; **TO PROVIDE FOR CERTAIN POWERS AND DUTIES OF**
 2 **THE COMMISSION ON LAW ENFORCEMENT STANDARDS;** to provide for the
 3 creation of a ~~sheriffs coordinating and training office and a local~~
 4 corrections **OFFICERS** advisory board **AND A LOCAL CORRECTIONAL**
 5 **OFFICERS TRAINING OFFICE AND TO PRESCRIBE THEIR POWERS AND DUTIES;**
 6 and to prescribe the powers and duties of certain local and state
 7 officers and agencies.

8 Sec. 2. As used in this act:

9 (a) "Board" means the local corrections officers advisory
 10 board created in section 9.

11 (b) ~~"Council" means the sheriffs coordinating and training~~
 12 ~~council described in section 4~~ **"COMMISSION" MEANS THE 15-MEMBER**
 13 **COMMISSION ON LAW ENFORCEMENT STANDARDS CREATED IN SECTION 3 OF THE**
 14 **COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL**
 15 **28.603.**

16 ~~———"Executive secretary" means the executive secretary of the~~
 17 ~~council.~~

18 (C) ~~(d)~~ "Local correctional facility" means county jail, work
 19 camp, or any other facility maintained by a county that houses
 20 adult prisoners.

21 (D) ~~(e)~~ "Local corrections officer" means any person employed
 22 by a county sheriff in a local correctional facility as a
 23 corrections officer or that person's supervisor or **JAIL**
 24 administrator. **LOCAL CORRECTIONS OFFICER DOES NOT INCLUDE ANY OF**
 25 **THE FOLLOWING:**

26 (i) **A SHERIFF OR UNDERSHERIFF.**

27 (ii) **A CHIEF DEPUTY SHERIFF, UNLESS THE CHIEF DEPUTY SHERIFF**

1 SERVES EXCLUSIVELY AS THE JAIL ADMINISTRATOR.

2 (E) ~~(f)~~ "Office" means the ~~sheriffs coordinating and training~~
3 ~~office created in section 3~~ LOCAL CORRECTIONS OFFICERS TRAINING
4 OFFICE CREATED IN SECTION 3A.

5 SEC. 3A. (1) THE LOCAL CORRECTIONS OFFICERS TRAINING OFFICE IS
6 CREATED IN THE COMMISSION.

7 (2) THE CHIEF EXECUTIVE OFFICER OF THE OFFICE IS THE LOCAL
8 CORRECTIONS OFFICERS TRAINING ADMINISTRATOR, WHO SHALL BE APPOINTED
9 BY THE COMMISSION AND WHO SHALL HOLD OFFICE AT THE PLEASURE OF THE
10 COMMISSION. THE LOCAL CORRECTIONS OFFICERS TRAINING ADMINISTRATOR
11 SHALL PERFORM THE FUNCTIONS AND DUTIES AS MAY BE ASSIGNED BY THE
12 COMMISSION. THE COMMISSION MAY EMPLOY OTHER PERSONS AS IT CONSIDERS
13 NECESSARY TO IMPLEMENT THE INTENT AND PURPOSE OF THIS ACT.

14 (3) THE LOCAL CORRECTIONS OFFICERS TRAINING ADMINISTRATOR
15 SHALL DEVELOP PROCEDURES TO MEASURE COMPLIANCE WITH THIS ACT.

16 Sec. 8. (1) ~~Not later than October 1, 2004 and as~~ AS often as
17 THE COMMISSION DETERMINES IS necessary, ~~after that, the council~~
18 COMMISSION shall approve minimum standards and requirements for
19 local corrections officers with respect to the following:

20 (a) Recruitment, selection, and certification of new local
21 corrections officers based upon at least, but not limited to, work
22 experience, educational achievement, and physical and mental
23 fitness.

24 (b) New employee and continuing training programs.

25 (c) ~~Recertification~~ ANNUAL RECERTIFICATION process.

26 (d) Course content of the vocational certificate program, the
27 central training academy, and continuing training programs. The

1 course content shall include education and training on how to
2 identify and manage prisoners with a mental illness.

3 (e) Decertification process.

4 (2) **THE MINIMUM STANDARDS APPROVED UNDER THIS SECTION BY THE**
5 **FORMER SHERIFFS COORDINATING AND TRAINING COUNCIL BEFORE THE**
6 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION**
7 **REMAIN IN EFFECT UNTIL AMENDED OR REPLACED BY THE COMMISSION.**

8 Sec. 9. (1) The local corrections officers advisory board is
9 created within the ~~council~~ **COMMISSION**. The board ~~shall consist~~

10 **CONSISTS** of 9 members appointed by the ~~council~~ **COMMISSION**, as

11 follows:

12 (a) Three members of the board shall be members of the deputy
13 sheriff's association of Michigan.

14 (b) Three members of the board shall be members of the
15 Michigan sheriffs' association.

16 (c) One member of the board shall be a member of the police
17 officers association of Michigan.

18 (d) One member of the board shall be a member of the fraternal
19 order of police.

20 (e) One member of the board shall be a member of the Michigan
21 association of counties.

22 (2) All members of the board shall hold office for terms of 3
23 years each. ~~, except that of the members first appointed 3 shall~~
24 ~~serve for terms of 1 year each, 3 shall serve for terms of 2 years~~
25 ~~each, and 3 shall serve for terms of 3 years each.~~ Successors shall
26 be appointed in the same manner as the original appointment.

27 (3) A person appointed as a member to fill a vacancy created

1 other than by expiration of a term shall be appointed in the same
2 manner as the original appointment for the remainder of the
3 unexpired term of the member whom the person is to succeed.

4 (4) Any member may be reappointed for additional terms.

5 (5) The members of the board shall serve without compensation
6 but ~~shall be~~ **ARE** entitled to their actual expenses in attending
7 meetings and in the performance of their duties.

8 (6) ~~Not later than April 1, 2004 and as AS~~ often as necessary,
9 ~~after that,~~ the board shall develop and recommend **TO THE COMMISSION**
10 minimum standards and requirements for local corrections officers,
11 **INCLUDING A STANDARDIZED ANNUAL CORE TRAINING CURRICULUM**
12 **RECERTIFICATION PROCESS THAT SHALL BE USED BY ALL SHERIFFS,** and
13 shall submit those standards and requirements to the ~~council~~
14 **COMMISSION** for the ~~council's~~ **COMMISSION'S** approval under section 8.

15 (7) The board shall recommend to the council all facilities
16 that the board approves for providing training to local corrections
17 officers under this act.

18 (8) **ANY EMPLOYEE OF THE SHERIFF'S DEPARTMENT WHO IS APPOINTED**
19 **TO THE BOARD UNDER SUBSECTION (1) (A) SHALL BE ALLOWED BY HIS OR HER**
20 **SUPERVISING SHERIFF TO ATTEND ANY MEETING OF THE BOARD WITHOUT LOSS**
21 **OF PAY OR BENEFITS.**

22 (9) **THE BOARD CREATED IN SUBSECTION (1) IS TRANSFERRED FROM**
23 **THE FORMER SHERIFFS COORDINATING AND TRAINING COUNCIL TO THE**
24 **COMMISSION BY A TYPE II TRANSFER, AS THAT TERM IS DEFINED IN**
25 **SECTION 3(B) OF THE EXECUTIVE ORGANIZATION ACT OF 1965, 1965 PA**
26 **380, MCL 16.103.**

27 Sec. 10. The board shall make an annual report to the ~~council~~

1 **COMMISSION** that includes pertinent data regarding the standards and
2 requirements established and an evaluation on the effectiveness of
3 local corrections officer training programs.

4 Sec. 11. (1) Beginning April 1, 2004, a person shall not be a
5 local corrections officer unless he or she is certified or
6 recertified ~~by the council~~ as provided in section 12 or 13. The
7 ~~council~~**COMMISSION** shall certify those persons and recertify on an
8 annual basis those persons who satisfy the criteria set forth in
9 section 12 or 13. **CERTIFICATION AND RECERTIFICATION APPLIES TO ALL**
10 **LOCAL CORRECTIONS OFFICERS EMPLOYED BY A COUNTY SHERIFF'S**
11 **DEPARTMENT.**

12 (2) A LOCAL CORRECTIONS OFFICER WHO IS NOT ANNUALLY
13 RECERTIFIED AS PROVIDED IN THIS ACT SHALL BE CONSIDERED TO BE
14 DECERTIFIED AS A LOCAL CORRECTIONS OFFICER. THE COMMISSION SHALL
15 ESTABLISH PROCEDURES FOR A LOCAL CORRECTIONS OFFICER TO APPEAL HIS
16 OR HER DECERTIFICATION.

17 (3) A PERSON WHO WAS CERTIFIED OR RECERTIFIED BY THE FORMER
18 SHERIFFS COORDINATING AND TRAINING COUNCIL PURSUANT TO THIS SECTION
19 AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
20 ADDED THIS SUBSECTION SHALL BE CONSIDERED TO BE FULLY CERTIFIED OR
21 RECERTIFIED TO THE SAME EXTENT AS IF THAT CERTIFICATION OR
22 RECERTIFICATION HAD BEEN AUTHORIZED BY THE COMMISSION.

23 Sec. 12. Effective January 1, ~~2005-2010~~, a person who is
24 employed as a local corrections officer before January 1, ~~2005~~
25 ~~2010~~, upon furnishing the ~~council~~**COMMISSION** satisfactory evidence
26 of his or her employment as a local corrections officer, shall be
27 certified and recertified by the ~~council~~**COMMISSION** as a local

1 corrections officer if he or she applies to the ~~council~~**COMMISSION**
2 for certification not later than April 1, ~~2004~~**2009**.

3 Sec. 13. A person who was not employed as a local corrections
4 officer before January 1, ~~2005~~**2010** but who becomes employed as a
5 local corrections officer on or after January 1, ~~2005~~**2010** shall
6 not be certified or recertified by the ~~council~~**COMMISSION** unless he
7 or she meets all of the following conditions:

8 (a) He or she is a citizen of the United States and is 18
9 years of age or older.

10 (b) He or she has obtained a high school diploma or attained a
11 passing score on the general education development test indicating
12 a high school graduation level.

13 ~~—— (c) Not later than 12 months after becoming employed as a~~
14 ~~local corrections officer, he or she has fulfilled other standards~~
15 ~~and requirements developed by the board and approved by the council~~
16 ~~for certification.~~

17 **(C)** ~~(d)~~ He or she has fulfilled standards and requirements
18 developed by the ~~council~~**COMMISSION** upon the recommendation of the
19 board for recertification.

20 Sec. 14. The ~~council~~**COMMISSION** may do all of the following:

21 (a) Enter into agreements with other public or private
22 agencies or organizations to implement the intent of this act.

23 (b) Cooperate with and assist other public or private agencies
24 or organizations to implement the intent of this act.

25 (c) Make recommendations to the legislature on matters
26 pertaining to its responsibilities under this act.

27 Sec. 15. (1) The local corrections officers training fund is

1 created in the state treasury. The fund shall be administered by
2 the ~~council~~-**COMMISSION**, which shall expend the fund only as
3 provided in this section.

4 (2) There shall be credited to the local corrections officer
5 training fund all revenue received from fees and civil fines
6 collected under section 4b of 1846 RS 171, MCL 801.4b, and funds
7 from any other source provided by law.

8 (3) The ~~council~~-**COMMISSION** shall use the fund only **FOR GRANTS**
9 **TO COUNTIES OR GROUPS OF COUNTIES TO BE USED** to defray the costs of
10 continuing education, certification, recertification,
11 decertification, and training of local corrections officers; **FOR**
12 the personnel and administrative costs of the ~~office, board, and~~
13 ~~council~~-**COMMISSION**; and **FOR** other expenditures related to the
14 requirements of this act. ~~Only counties that forward to the fund~~
15 ~~100% of fees collected under section 4b of 1846 RS 171, MCL 801.4b,~~
16 ~~are eligible to receive grants from the fund.~~ A county that
17 receives funds from the ~~council~~-**COMMISSION** under this section shall
18 use those funds only for costs relating to the continuing
19 education, certification, recertification, and training of local
20 corrections officers in that county and shall not use those funds
21 to supplant current spending by the county for those purposes,
22 including state grants and training funds.

23 (4) The ~~council~~-**COMMISSION**, upon written request, shall
24 reimburse the full amount of any fee paid by a person under section
25 4b of 1846 RS 171, MCL 801.4b, if the person was incarcerated
26 pending trial and was found not guilty or the prosecution against
27 the person was terminated for any reason. The ~~council~~-**COMMISSION**

1 shall create and make available to all local correctional
2 facilities in this state a written form explaining the provisions
3 of this subsection. The form shall include the address to which the
4 reimbursement request should be sent.

5 (5) Unexpended funds remaining in the fund at the end of the
6 fiscal year shall remain in the fund and shall not revert to the
7 general fund.

8 Sec. 16. The ~~council~~**COMMISSION** may accept funds, grants, and
9 gifts from any public or private source which shall be used to
10 defray the expenses incident to implementing its responsibilities
11 under this act.

12 Enacting section 1. Sections 3, 4, 5, 6, and 7 of the local
13 corrections officers training act, 2003 PA 125, MCL 791.533,
14 791.534, 791.535, 791.536, and 791.537, are repealed.

15 Enacting section 2. This amendatory act does not take effect
16 unless all of the following bills of the 95th Legislature are
17 enacted into law:

18 (a) Senate Bill No. 1042.

19
20 (b) Senate Bill No. 1044.