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BILL



ANALYSIS

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Senate Bill 92 (Substitute S-7 as reported by the Committee of the Whole)  
Senate Bill 93 (Substitute S-1 as reported)  
Senate Bill 95 (Substitute S-1 as reported)  
Senate Bill 96 (Substitute S-1 as reported)  
Sponsor: Senator Tonya Schuitmaker (S.B. 92 & 93)  
            Senator Margaret E. O'Brien (S.B. 95 & 96)  
Committee: Judiciary

### **CONTENT**

Senate Bill 92 (S-7) would amend the Commission on Law Enforcement Standards Act to do the following:

- Codify the 17-member Michigan Commission on Law Enforcement Standards (MCOLES) (which was created by an Executive Reorganization Order), and add an 18<sup>th</sup> member representing deputy sheriffs.
- Require MCOLES to promulgate rules governing law enforcement officer licensing standards, instead of establishing minimum standards.
- Require MCOLES to grant a license, rather than certification, to a person who meets the standards and will be employed as a law enforcement officer.
- Establish separate licensure requirements for sheriffs, tribal law enforcement officers, locally appointed fire arson investigators, and private college security officers.
- Authorize MCOLES to investigate alleged violations of the Act or rules promulgated under it.
- Specify that a petition for judicial review of a final decision or order of MCOLES could be adjudicated only in the Court of Claims, and the Commission would have standing in that court for an action to compel compliance with the Act.
- Revise provisions regarding police training academies.
- Require a licensed law enforcement officer to inform MCOLES when he or she was charged with a particular offense or was subject to a personal protection order.

The bill also would authorize MCOLES to use money granted to it by the Department of State Police from the Secondary Road Patrol and Training Fund to do the following:

- Reimburse law enforcement agencies for the reasonable costs they incurred in providing education to their employees who were enrolled in law enforcement training academies for the purpose of being employed by the agencies as law enforcement officers licensed under the Act.
- For fiscal years 2015-16 and 2016-17 only, pay the reasonable expenses of performing the Commission's statutory functions authorized or required under the Act.

The Commission could not be granted or use, within a single fiscal year, more than 5.7% of the Secondary Road Patrol and Training Fund for any purpose.

The bill would repeal Sections 4 and 16 of the Act, which deal with MCOLES members' terms of office and the Act's original effective date.

The bill also would rename the Act as the "Michigan Commission on Law Enforcement Standards Act".

Senate Bill 93 (S-1) would amend Public Act 302 of 1982, which created the Michigan Justice Training Commission and the Michigan Justice Training Fund, to do the following:

- Delete and replace most of the provisions of the Act, regarding use of the Michigan Justice Training Fund.
- Require MCOLES to use the Fund to make law enforcement distributions to law enforcement agencies, pay the reasonable expenses of providing MCOLES staff services and administering and enforcing the Act and the MCOLES Act, and awarding grants.
- Specify that money in the Fund that was not distributed in a fiscal year in which it was meant to be used for the purposes described above would remain in the Fund and could be used in future fiscal years for the designated purpose.
- Require MCOLES to conduct an annual registration of law enforcement agencies to verify each agency's roster of full-time and part-time officers and the number of hours for which they were compensated in the most recent calendar year.
- Require MCOLES annually to distribute 60% of the Fund for law enforcement distributions, in two semiannual installments, on a per full-time equated basis to eligible entities based on the number of full-time equated officers employed.
- Cap the reported hours of compensation at 2,080 hours for any individual officer, for purposes of the law enforcement distribution.
- Regulate an eligible entity's use of funds from a law enforcement distribution, and limit the use of a distribution to certain training and educational purposes.
- Allow MCOLES to award grants for the provision of criminal justice in-service training for law enforcement officers.
- Prohibit MCOLES from awarding grants to a professional association.
- Regulate a grantee's use of funds from a grant award.
- Require criminal justice in-service training courses to be registered through the MCOLES Information and Tracking Network.
- Specify that the Fund's books, records, and accounts could be subject to audit by the Auditor General every two years, instead of requiring an audit every two years.

Senate Bill 95 (S-1) would amend the Revised Judicature Act to revise citations to certain funds and the acts that created them.

Senate Bill 96 (S-1) would amend the Code of Criminal Procedure to refer to MCOLES and the MCOLES Act.

Senate Bills 93 (S-1), 95 (S-1), and 96 (S-1) are tie-barred to Senate Bill 92. All of the bills would take effect 90 days after their enactment.

MCL 28.601 et al. (S.B. 92)  
18.421 et al. (S.B. 93)  
600.181 (S.B. 95)  
763.11 (S.B. 96)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a minimal fiscal impact on State and local government. According to MCOLES, the proposed changes in regulatory responsibilities could be accomplished within its existing resources. The provision concerning MCOLES use of funds from the Secondary Road Patrol Training fund reflects current practice.

Date Completed: 10-7-15

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.