

HOUSE BILL No. 5794

August 3, 2016, Introduced by Rep. Lucido 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 2005 PA 239.

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) Minimum basic training requirements that a person,
6 excluding sheriffs, shall complete before being eligible for
7 certification under section 9a(1).

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

12 (a) The person has been employed 1 year or less as a
13 commission certified law enforcement officer and is again employed
14 as a law enforcement officer within 1 year after discontinuing
15 employment as a commission certified law enforcement officer.

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

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

25 (d) The person has successfully completed the mandatory
26 training and has been continuously employed as a law enforcement
27 officer, but through no fault of that person the employing agency

1 failed to obtain certification for that person as required by this
2 act.

3 (3) A commission certified law enforcement officer who is a
4 member of any of the reserve components of the United States ~~armed~~
5 ~~forces~~ **ARMED FORCES** and who is called to active duty in the armed
6 forces is not considered to have discontinued his or her employment
7 as a commission certified law enforcement officer under section
8 9a(4)(b). The person's certification under section 9a(1) shall not
9 become void during that term of active military service. However,
10 the certification of a certified law enforcement officer described
11 in this subsection may be revoked under section 9b if the officer
12 committed an offense during the period of active duty in the armed
13 forces that resulted in a conviction enumerated in section 9b(1).
14 As used in this subsection, "reserve components of the United
15 States ~~armed forces~~" **ARMED FORCES** means that term as defined in
16 section 2 of the military family relief fund act, 2004 PA 363, MCL
17 35.1212. This subsection does not apply to a commission certified
18 law enforcement officer who volunteers for a term of active
19 military service or who voluntarily extends a term of active
20 military service that began when he or she was called to active
21 duty. This subsection does not apply to a commission certified law
22 enforcement officer who is dishonorably discharged from a term of
23 active military service.

24 (4) The commission shall promulgate rules with respect to all
25 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
25 training in another state or through a federally operated police
26 training school that was sufficient to fulfill the minimum
27 standards required by federal law to be appointed as a law

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

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

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

1 position for which peace officer authority is granted under the
2 laws of this state unless all of the following requirements are
3 met:

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

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

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

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

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

21 (d) The written contract described in subdivision (c) is
22 incorporated into a self-determination contract, grant agreement,
23 or cooperative agreement between the United States secretary of the
24 interior and the tribal government of the Michigan Indian tribe
25 employing the tribal law enforcement officer ~~pursuant to~~ **UNDER** the
26 Indian self-determination and education assistance act, Public Law
27 93-638, ~~88 Stat. 2203~~ **25 USC 450, ET SEQ.**

1 (8) A law enforcement officer of a multicounty metropolitan
2 district, other than a law enforcement officer employed by a law
3 enforcement agency created under the public body law enforcement
4 agency act, **2004 PA 378, MCL 28.581 TO 28.590**, is not empowered to
5 exercise the authority of a peace officer under the laws of this
6 state and shall not be employed in a position for which peace
7 officer authority is granted under the laws of this state unless
8 all of the following requirements are met:

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

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

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

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

24 (9) A public body that creates a law enforcement agency under
25 the public body law enforcement agency act, **2004 PA 378, MCL 28.581**
26 **TO 28.590**, and that employs 1 or more law enforcement officers
27 certified under this act shall be considered to be a law

1 enforcement agency for purposes of section 9d.

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

9 (11) BEGINNING JANUARY 1, 2018, A PERSON SEEKING TO BECOME A
10 COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER SHALL COMPLETE
11 TRAINING SPECIFIC TO IDENTIFYING THE SYMPTOMS OF AND RESPONDING TO
12 EMERGENCY SITUATIONS INVOLVING A PERSON WHO MAY BE SUFFERING FROM
13 POST-TRAUMATIC STRESS DISORDER AS A CONDITION OF BEING CERTIFIED AS
14 A LAW ENFORCEMENT OFFICER UNDER THIS ACT.

15 (12) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE
16 MINIMUM STANDARDS FOR THE TRAINING REQUIRED UNDER SUBSECTION (11).

17 (13) A LAW ENFORCEMENT OFFICER WHO IS CERTIFIED AS A LAW
18 ENFORCEMENT OFFICER UNDER THIS ACT, OR WHO IS NOT CERTIFIED BUT IS
19 EMPLOYED AS A LAW ENFORCEMENT OFFICER AS PROVIDED IN SUBSECTION (6)
20 ON JANUARY 1, 2018 AND WHO HAS NOT PREVIOUSLY COMPLETED THE
21 TRAINING REQUIRED UNDER SUBSECTION (11), SHALL COMPLETE THE
22 TRAINING REQUIRED UNDER SUBSECTION (11) NOT LATER THAN JANUARY 1,
23 2019 TO MAINTAIN HIS OR HER CERTIFICATION OR CONTINUE HIS OR HER
24 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER UNDER THIS ACT.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.