

SENATE BILL No. 93

February 10, 2015, Introduced by Senators SCHUITMAKER, NOFS and O'BRIEN and referred to the Committee on Judiciary.

A bill to amend 1982 PA 302, entitled

"An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules,"

by amending sections 1, 2, 3, 4, 5, 6, 8, and 9 (MCL 18.421, 18.422, 18.423, 18.424, 18.425, 18.426, 18.428, and 18.429), sections 1, 2, 3, 4, 5, and 6 as amended and section 9 as added by 1989 PA 158, and by adding sections 7, 8a, and 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

~~— (a) "Alcoholic liquor" means that term as defined in section 2 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.~~

~~———— (b) "Eligible entity" means a city, village, township, county, junior college, community college, state supported college or university, or the department of state police.~~

~~———— (c) "Fund" means the Michigan justice training fund created in section 5.~~

~~———— (d) "In-service criminal justice training" means a criminal justice educational program presented by an agency or entity eligible to receive funds pursuant to this act or by a contractual service provider hired by the agency or entity eligible to receive funds pursuant to this act, including a course or package of instruction provided to an eligible trainee for the payment of a fee or tuition, or education or training presented through the use of audio visual materials, which program, education, or training is designed and intended to enhance the direct delivery of criminal justice services by eligible employees of the agency or entity.~~

~~———— (e) "MLEOTC certified police officer" means an individual certified as a police officer under the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.~~

~~———— (f) "Professional association" means a national, state, or local police union, or an association or fraternal organization of police officers, correctional officers, or prosecuting attorneys.~~

~~———— (g) "State or local agency" means any of the following:~~

~~———— (i) An agency, department, division, bureau, board, commission, council, or authority of the state or of a city, village, township, or county.~~

1 ~~(ii) A state supported college or university.~~
2 ~~(iii) A community college or junior college.~~
3 ~~(iv) Any agency or entity of the judicial branch of government~~
4 ~~of this state.~~

5 (A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION
6 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
7 436.1105.

8 (B) "COMMISSION" MEANS THE MICHIGAN COMMISSION ON LAW
9 ENFORCEMENT STANDARDS CREATED IN SECTION 3 OF THE MICHIGAN
10 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
11 28.603, OR, BY THE EXPRESS DELEGATION OF THE MICHIGAN COMMISSION ON
12 LAW ENFORCEMENT STANDARDS, ITS EXECUTIVE DIRECTOR AND STAFF.

13 (C) "CRIMINAL JUSTICE IN-SERVICE TRAINING" MEANS A CRIMINAL
14 JUSTICE PROGRAM THAT INCLUDES EDUCATION OR TRAINING THAT IS
15 DESIGNED AND INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL
16 JUSTICE SERVICES BY PARTICIPANTS WHO ARE AUTHORIZED TO RECEIVE
17 EDUCATION OR TRAINING AS PROVIDED IN THIS ACT.

18 (D) "ELIGIBLE ENTITY" MEANS A GOVERNMENTAL AGENCY OF THE
19 EXECUTIVE BRANCH OF THIS STATE OR A SUBDIVISION OF THIS STATE THAT
20 IS ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS
21 STATE AND THAT IS AUTHORIZED BY THE LAWS OF THIS STATE TO EMPLOY OR
22 APPOINT LAW ENFORCEMENT OFFICERS LICENSED UNDER SECTIONS 9 AND 9A
23 OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965
24 PA 203, MCL 28.609 AND 28.609A.

25 (E) "GRANT AWARDS" MEANS FUNDS PAID TO GRANTEEES FROM THE
26 MICHIGAN JUSTICE TRAINING FUND AS PROVIDED IN THIS ACT.

27 (F) "GRANTEE" MEANS AN ENTITY ELIGIBLE TO RECEIVE GRANT AWARDS

1 FROM THE MICHIGAN JUSTICE TRAINING FUND, INCLUDING ANY OF THE
2 FOLLOWING OR A COMBINATION OF ANY OF THE FOLLOWING:

3 (i) AN AGENCY, DEPARTMENT, DIVISION, BUREAU, BOARD, COMMISSION,
4 COUNCIL, OR AUTHORITY OF THIS STATE OR OF A CITY, VILLAGE,
5 TOWNSHIP, OR COUNTY.

6 (ii) A STATE-SUPPORTED COLLEGE OR UNIVERSITY.

7 (iii) A COMMUNITY COLLEGE.

8 (iv) ANY AGENCY OR ENTITY OF THE JUDICIAL BRANCH OF GOVERNMENT
9 OF THIS STATE.

10 (G) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS
11 ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS
12 STATE AND THAT IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT
13 OR EMPLOY LAW ENFORCEMENT OFFICERS.

14 (H) "LAW ENFORCEMENT DISTRIBUTION" MEANS FUNDS PAID TO
15 ELIGIBLE ENTITIES AS PROVIDED IN THIS ACT.

16 (I) "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL LICENSED
17 UNDER THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT,
18 1965 PA 203, MCL 28.601 TO 28.614.

19 (J) "MCOLES INFORMATION AND TRACKING NETWORK" MEANS THE
20 COMMISSION'S WEB-ENABLED INFORMATION SYSTEM FOR THE LICENSING,
21 REPORTING, AND TRACKING OF PERSONNEL AND TRAINING RECORDS FOR
22 MICHIGAN LAW ENFORCEMENT OFFICERS.

23 (K) "MICHIGAN JUSTICE TRAINING FUND" MEANS THE MICHIGAN
24 JUSTICE TRAINING FUND CREATED IN THIS ACT.

25 (L) "PROFESSIONAL ASSOCIATION" MEANS A NATIONAL, STATE, OR
26 LOCAL POLICE UNION, OR AN ASSOCIATION OR FRATERNAL ORGANIZATION OF
27 POLICE OFFICERS, CORRECTIONAL OFFICERS, OR PROSECUTING ATTORNEYS.

1 Sec. 2. ~~(1) The Michigan justice training commission is~~
2 ~~created within the department of management and budget. The~~
3 ~~commission shall consist of the following members:~~

4 ~~—— (a) The director of the department of state police or his or~~
5 ~~her representative.~~

6 ~~—— (b) The president of the prosecuting attorneys' association of~~
7 ~~Michigan or his or her representative.~~

8 ~~—— (c) The president of the Michigan sheriffs' association or his~~
9 ~~or her representative.~~

10 ~~—— (d) The president of the Michigan association of chiefs of~~
11 ~~police or his or her representative.~~

12 ~~—— (e) One person appointed by the governor who is employed by a~~
13 ~~police agency employing at least 20% of the police officers in this~~
14 ~~state.~~

15 ~~—— (f) The president of the Michigan state police troopers~~
16 ~~association or his or her representative.~~

17 ~~—— (g) One person appointed by the governor who has been elected~~
18 ~~by police officers other than police officers in administrative or~~
19 ~~managerial positions, representing the interests of police officers~~
20 ~~other than police officers in administrative or managerial~~
21 ~~positions.~~

22 ~~—— (h) The president of the criminal defense attorneys of~~
23 ~~Michigan or his or her representative.~~

24 ~~—— (2) The commission shall elect a chairperson annually from~~
25 ~~among the members of the commission. A person shall not serve more~~
26 ~~than 2 consecutive years as chairperson.~~

27 ~~—— (3) The members of the commission shall be reimbursed for~~

~~actual expenses, including travel expenses, from the fund. Members of the commission shall not be reimbursed for expenditures for alcoholic liquor, or for meal expenditures in excess of the per diem meal expenditures authorized for members of the state civil service.~~

~~—— (4) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.~~

~~—— (5) The commission shall not perform any function authorized under section 3 without the affirmative votes of 5 members of the commission.~~

(1) THE MICHIGAN JUSTICE TRAINING FUND IS CREATED IN THE STATE TREASURY.

(2) THE MICHIGAN JUSTICE TRAINING FUND SHALL ONLY BE USED AS PROVIDED IN THIS ACT.

(3) INVESTMENT EARNINGS DERIVED FROM MICHIGAN JUSTICE TRAINING FUND ASSETS SHALL BE DEPOSITED INTO THE MICHIGAN JUSTICE TRAINING FUND.

(4) THE COMMISSION SHALL USE THE MICHIGAN JUSTICE TRAINING FUND FOR THE FOLLOWING PURPOSES:

(A) MAKING LAW ENFORCEMENT DISTRIBUTIONS AS PROVIDED IN THIS ACT.

(B) PAYING THE REASONABLE EXPENSES OF PROVIDING STAFF SERVICES

1 TO THE COMMISSION FOR ADMINISTERING AND ENFORCING THE STATUTORY
2 REQUIREMENTS OF THIS ACT, AND ADMINISTERING AND ENFORCING THE
3 STATUTORY REQUIREMENTS OF THE MICHIGAN COMMISSION ON LAW
4 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615.

5 (C) AWARDING GRANTS AS PROVIDED IN THIS ACT.

6 (5) FUNDS IN THE MICHIGAN JUSTICE TRAINING FUND THAT ARE NOT
7 DISTRIBUTED IN A FISCAL YEAR AND THAT WERE TO BE DISTRIBUTED AS LAW
8 ENFORCEMENT DISTRIBUTIONS SHALL REMAIN IN THE MICHIGAN JUSTICE
9 TRAINING FUND AND MAY BE USED IN FUTURE YEARS FOR PURPOSES OF LAW
10 ENFORCEMENT DISTRIBUTIONS.

11 (6) FUNDS IN THE MICHIGAN JUSTICE TRAINING FUND THAT ARE NOT
12 DISTRIBUTED IN A FISCAL YEAR AND THAT WERE TO BE USED FOR THE
13 REASONABLE EXPENSES OF PROVIDING STAFF SERVICES TO THE COMMISSION
14 FOR ADMINISTERING AND ENFORCING THE STATUTORY REQUIREMENTS OF THIS
15 ACT AND ADMINISTERING AND ENFORCING THE STATUTORY REQUIREMENTS OF
16 THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA
17 203, MCL 28.601 TO 28.615, SHALL REMAIN IN THE MICHIGAN JUSTICE
18 TRAINING FUND AND MAY BE USED IN FUTURE FISCAL YEARS FOR THOSE
19 PURPOSES.

20 (7) FUNDS IN THE MICHIGAN JUSTICE TRAINING FUND THAT ARE NOT
21 DISTRIBUTED IN A FISCAL YEAR AND THAT WERE TO BE DISTRIBUTED TO
22 FUND CURRENT OR FUTURE GRANT AWARDS SHALL REMAIN IN THE MICHIGAN
23 JUSTICE TRAINING FUND AND MAY BE USED IN FUTURE FISCAL YEARS FOR
24 THAT PURPOSE.

25 ~~Sec. 3. The commission shall do all of the following, with the~~
26 ~~assistance of the department of management and budget:~~

27 ~~— (a) Annually distribute 60% of the fund to eligible entities~~

~~1 not including the money in the fund pursuant to section 5(2). An
2 eligible entity receiving a distribution under this subdivision
3 shall expend the distribution only for the in-service criminal
4 justice training of its police officers. An eligible entity that
5 uses money received under this subdivision shall maintain detailed
6 records of the actual costs associated with the preparation for,
7 the administration of, and the actual conducting of the training
8 program. Use of money received under this subdivision for the
9 payment of unreasonable or duplicative costs, as determined by the
10 commission, shall result in the forfeiture of the money received by
11 the eligible entity under this subdivision. Money distributed to an
12 eligible entity which is not expended in the fiscal year of the
13 distribution shall only be expended by the eligible entity for the
14 in-service criminal justice training of its police officers in
15 future fiscal years. An eligible entity receiving a distribution
16 pursuant to this subdivision shall use the entire distribution for
17 the in-service criminal justice training of its police officers
18 within 2 years after receiving the distribution. If the eligible
19 entity fails or refuses to use the entire distribution for the in-
20 service criminal justice training of its police officers within 2
21 years after receiving the distribution, the eligible entity shall
22 not be eligible to receive additional distributions pursuant to
23 this subdivision until the prior distribution is used for the in-
24 service criminal justice training of its police officers. A
25 distribution made under this subdivision shall serve as a
26 supplement to, and not as a replacement for, the funds budgeted on
27 October 12, 1982, by an eligible entity for the in-service criminal~~

~~justice training of its police officers. The distribution shall be made in 2 semiannual installments on dates determined by the commission and shall be expended only for the direct costs of the in service criminal justice training of police officers. The funds shall be distributed on a per capita basis to eligible entities based upon the number of full time equated sworn MLEOTC certified police officers employed. Each eligible entity shall receive a minimum distribution of \$500.00. For purposes of this subdivision, the number of full time equated sworn MLEOTC certified police officers shall be determined by dividing the total number of paid work hours actually worked by sworn MLEOTC certified police officers in the eligible entity's fiscal year by 2,080 hours, rounded down to the nearest whole number. For each year, the percentage of police officers who provide direct police service receiving training under this act shall be equal to or greater than the percentage of police officers who are in full time administrative positions receiving training under this act.~~

~~—— (b) Annually distribute through a competitive grant process the balance of the fund after making the distributions required in subdivisions (a) and (d) and the expenditures required under section 2(3). In distributing money from the fund, the commission shall consider the quality and cost effectiveness of the training programs of applicants for funds and the criminal justice needs of this state. Money shall not be distributed under this subdivision to a professional association. In distributing money from the fund, the commission shall attempt to provide equity in funding for training programs for prosecutors and assigned criminal defense~~

~~counsel. A state or local agency that uses money received under this subdivision shall maintain detailed records of the actual costs associated with the preparation for, the administration of, and the actual conducting of the training program. Use of money received under this subdivision for the payment of unreasonable or duplicative costs, as determined by the auditor general or the commission, shall result in the forfeiture of the money received by the state or local agency under this subdivision. Grants under this subdivision shall be distributed only to the following:~~

~~—— (i) State or local agencies for the purpose of providing in-service criminal justice training programs to employees of those state or local agencies. A distribution made under this subparagraph shall serve as a supplement to, and not as a replacement for, the funds budgeted on October 12, 1982, by a state or local agency for in-service criminal justice training.~~

~~—— (ii) State or local agencies providing criminal justice training to the employees or the contractual service providers of other state or local agencies. A distribution made under this subparagraph shall be used to enhance and increase, but not supplant, the amount of local, federal, and other state funds that, in the absence of money from the Michigan justice training fund, are available for criminal justice training. As used in this subparagraph, "criminal justice training" means training which is designed and intended to enhance the direct delivery of criminal justice services by employees of state or local agencies; which is not required minimum basic training for police officers or initial training for other employees; and which is any of the following:~~

1 ~~—— (A) A criminal justice educational program presented by the~~
2 ~~state or local agency or by a contractual training provider hired~~
3 ~~by the agency.~~

4 ~~—— (B) A criminal justice course or package of instruction~~
5 ~~provided to an eligible trainee for the payment of a fee or~~
6 ~~tuition.~~

7 ~~—— (C) Self education presented through the use of audio visual~~
8 ~~materials.~~

9 ~~—— (c) Promulgate rules pursuant to the administrative procedures~~
10 ~~act of 1969, Act No. 306 of the Public Acts of 1969, as amended,~~
11 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws,~~
12 ~~which prescribe the procedures by which the commission shall~~
13 ~~distribute money from the fund.~~

14 ~~—— (d) Annually distribute an amount from the fund to the~~
15 ~~department of management and budget to cover the reasonable~~
16 ~~expenses of providing staff services to the commission, and to~~
17 ~~cover the expense of maintaining a register of available criminal~~
18 ~~justice training programs in this state.~~

19 (1) THE COMMISSION SHALL CONDUCT AN ANNUAL REGISTRATION OF LAW
20 ENFORCEMENT AGENCIES TO VERIFY EACH AGENCY'S ROSTER OF FULL-TIME
21 AND PART-TIME LAW ENFORCEMENT OFFICERS, AND THE NUMBER OF HOURS FOR
22 WHICH THEY WERE COMPENSATED FOR EMPLOYMENT AS LAW ENFORCEMENT
23 OFFICERS IN THE MOST RECENT ELAPSED CALENDAR YEAR. FOR PURPOSES OF
24 THE LAW ENFORCEMENT DISTRIBUTION, THE REPORTED HOURS OF
25 COMPENSATION SHALL BE CAPPED AT 2,080 HOURS FOR ANY INDIVIDUAL
26 OFFICER.

27 (2) AS PART OF THE ANNUAL REGISTRATION, EACH LAW ENFORCEMENT

1 AGENCY SHALL INDICATE TO THE COMMISSION WHETHER IT ELECTS TO
2 RECEIVE LAW ENFORCEMENT DISTRIBUTIONS FOR THE CURRENT YEAR. AN
3 AGENCY THAT ELECTS NOT TO RECEIVE LAW ENFORCEMENT DISTRIBUTIONS
4 SHALL NOT RECEIVE THEM FOR THE CURRENT YEAR BUT MUST COMPLY WITH
5 ALL APPLICABLE REQUIREMENTS OF THIS ACT UNTIL ALL PREVIOUSLY
6 RECEIVED LAW ENFORCEMENT DISTRIBUTION FUNDS HAVE BEEN EXPENDED OR
7 RETURNED AS REQUIRED IN THIS ACT.

8 (3) THE COMMISSION SHALL ANNUALLY DISTRIBUTE 60% OF THE
9 MICHIGAN JUSTICE TRAINING FUND FOR LAW ENFORCEMENT DISTRIBUTIONS,
10 IN 2 SEMIANNUAL INSTALLMENTS, ON DATES DETERMINED BY THE
11 COMMISSION.

12 (4) THE LAW ENFORCEMENT DISTRIBUTION SHALL BE MADE ON A PER
13 FULL-TIME EQUATED BASIS TO ELIGIBLE ENTITIES BASED ON THE NUMBER OF
14 FULL-TIME EQUATED LAW ENFORCEMENT OFFICERS EMPLOYED. FOR PURPOSES
15 OF THIS SUBSECTION, THE NUMBER OF FULL-TIME EQUATED LAW ENFORCEMENT
16 OFFICERS SHALL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF HOURS
17 REPORTED BY THE ELIGIBLE ENTITY DURING THE ANNUAL REGISTRATION FOR
18 WHICH THE ELIGIBLE ENTITY'S FULL-TIME AND PART-TIME LAW ENFORCEMENT
19 OFFICERS WERE COMPENSATED FOR EMPLOYMENT AS LAW ENFORCEMENT
20 OFFICERS IN THE MOST RECENT ELAPSED CALENDAR YEAR BY 2,080 HOURS,
21 ROUNDED DOWN TO THE NEAREST WHOLE NUMBER GREATER THAN OR EQUAL TO
22 1.

23 (5) IF THE MICHIGAN JUSTICE TRAINING FUND HAS SUFFICIENT
24 FUNDS, AN ELIGIBLE ENTITY WHOSE NUMBER OF FULL-TIME EQUATED LAW
25 ENFORCEMENT OFFICERS DOES NOT SUPPORT A MINIMUM ANNUAL DISTRIBUTION
26 OF \$500.00 SHALL RECEIVE A MINIMUM ANNUAL DISTRIBUTION OF \$500.00.

27 (6) FOR EACH YEAR, THE PERCENTAGE OF LAW ENFORCEMENT OFFICERS

1 WHO PROVIDE DIRECT LAW ENFORCEMENT SERVICE RECEIVING TRAINING UNDER
2 THIS ACT SHALL BE EQUAL TO OR GREATER THAN THE PERCENTAGE OF LAW
3 ENFORCEMENT OFFICERS WHO ARE IN FULL-TIME ADMINISTRATIVE POSITIONS
4 RECEIVING TRAINING UNDER THIS ACT.

5 Sec. 4. ~~(1) Distributions of money under this act shall not be~~
6 ~~expended for any of the following:~~

7 ~~—— (a) Criminal justice training conducted by a training provider~~
8 ~~not based in this state unless the training event has first been~~
9 ~~approved by the commission.~~

10 ~~—— (b) Criminal justice training not located in this state,~~
11 ~~unless the training event has first been approved by the~~
12 ~~commission.~~

13 ~~—— (c) Criminal justice training in another country.~~

14 ~~—— (d) Meal expenditures in excess of the per diem meal~~
15 ~~expenditures authorized for civil service employees.~~

16 ~~—— (e) Purchasing alcoholic liquor.~~

17 ~~—— (f) Travel costs to participate in criminal justice training,~~
18 ~~unless the criminal justice training program is for the sole~~
19 ~~purpose of training or offers not less than 6 hours of qualifying~~
20 ~~training within any 24-hour period.~~

21 ~~—— (g) The publication of a newsletter.~~

22 ~~—— (2) The commission shall not approve any out of state training~~
23 ~~program unless the eligible entity requesting approval of the~~
24 ~~training program has exhausted all reasonable efforts to locate a~~
25 ~~similar training program in this state, and the commission is~~
26 ~~satisfied that a similar training program is not available in this~~
27 ~~state.~~

1 (1) FUNDS RECEIVED FROM A LAW ENFORCEMENT DISTRIBUTION SHALL
2 BE DEPOSITED AND MAINTAINED IN AN ACCOUNT SEPARATE FROM ALL OTHER
3 FUNDS.

4 (2) AN ELIGIBLE ENTITY SHALL EXPEND FUNDS FROM A LAW
5 ENFORCEMENT DISTRIBUTION ONLY FOR THE FOLLOWING PURPOSES:

6 (A) CRIMINAL JUSTICE IN-SERVICE TRAINING THAT IS DESIGNED AND
7 INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL JUSTICE
8 SERVICES BY LAW ENFORCEMENT OFFICERS.

9 (B) DIRECT COSTS, INCLUDING ALL OF THE FOLLOWING:

10 (i) THE ACTUAL COST OF TRAINING MATERIALS NECESSARY TO, AND
11 USED SOLELY DURING, THE DIRECT DELIVERY OF CRIMINAL JUSTICE IN-
12 SERVICE TRAINING.

13 (ii) THE REASONABLE RENTAL COST OR PURCHASE PRICE OF EQUIPMENT
14 NECESSARY TO AND USED SOLELY DURING THE DIRECT DELIVERY OF CRIMINAL
15 JUSTICE IN-SERVICE TRAINING. AN ELIGIBLE ENTITY SHALL NOT MAKE AN
16 EQUIPMENT PURCHASE THAT EXCEEDS \$5,000.00 OR 10% OF ITS ANNUAL LAW
17 ENFORCEMENT DISTRIBUTION WITHOUT PRIOR WRITTEN APPROVAL OF THE
18 COMMISSION.

19 (iii) THE RENTAL OF TRAINING FACILITIES, ONLY IF ADEQUATE
20 FACILITIES OWNED OR OPERATED BY THE ELIGIBLE ENTITY ARE NOT
21 AVAILABLE.

22 (iv) A FLAT RATE, TUITION, OR SUBSCRIPTION PAID TO A TRAINING
23 PROVIDER, OTHER THAN THE ELIGIBLE ENTITY, FOR THE DELIVERY OF
24 CRIMINAL JUSTICE IN-SERVICE TRAINING AS PROVIDED UNDER THIS ACT,
25 ONLY IF THE TRAINING IS REGISTERED THROUGH THE MCOLES INFORMATION
26 AND TRACKING NETWORK BEFORE THE DATES ON WHICH THE TRAINING IS
27 CONDUCTED.

1 (C) THE COSTS INCURRED TO PARTICIPATE IN A CRIMINAL JUSTICE
2 IN-SERVICE TRAINING PROGRAM, SUBJECT TO THE FOLLOWING RESTRICTIONS:

3 (i) FOR TUITION COSTS FOR IN-STATE CRIMINAL JUSTICE IN-SERVICE
4 TRAINING, ONLY IF THE TRAINING COURSE IS REGISTERED THROUGH THE
5 MCOLES INFORMATION AND TRACKING NETWORK BEFORE THE DATES ON WHICH
6 THE TRAINING IS CONDUCTED.

7 (ii) FOR IN-STATE CRIMINAL JUSTICE IN-SERVICE TRAINING
8 PARTICIPANT TRAVEL REIMBURSEMENT, ONLY IF THE CRIMINAL JUSTICE IN-
9 SERVICE TRAINING COURSE IS REGISTERED THROUGH THE MCOLES
10 INFORMATION AND TRACKING NETWORK BEFORE THE DATES ON WHICH THE
11 TRAINING IS CONDUCTED. FOR PURPOSES OF THIS RESTRICTION, APPLICABLE
12 REIMBURSEMENT RATES ARE THOSE AUTHORIZED FOR MEMBERS OF THE STATE
13 CLASSIFIED CIVIL SERVICE.

14 (iii) FOR IN-STATE INSTRUCTOR TRAVEL REIMBURSEMENT. FOR PURPOSES
15 OF THIS PROVISION, APPLICABLE REIMBURSEMENT RATES ARE THOSE
16 AUTHORIZED FOR MEMBERS OF THE STATE CLASSIFIED CIVIL SERVICE.

17 (iv) TO PAY THE FEES OF A TRAINING CONSORTIUM PROVIDER FOR THE
18 DELIVERY OF CRIMINAL JUSTICE IN-SERVICE TRAINING TO LAW ENFORCEMENT
19 OFFICERS OF THE ELIGIBLE ENTITY. FOR CONSORTIUM FEES PAID AS
20 PROVIDED IN THIS SUBPARAGRAPH, THE ELIGIBLE ENTITY SHALL REPORT THE
21 ACTUAL COST OF EACH COURSE ATTENDED. IF A CONSORTIUM FEE IS PAID
22 BUT THE EMPLOYEES OF THE ELIGIBLE ENTITY WERE UNABLE TO ATTEND THE
23 TRAINING, THE ELIGIBLE ENTITY SHALL REPORT THIS FACT TO THE
24 COMMISSION. THE CONSORTIUM TRAINING PROVIDER SHALL PROVIDE TO THE
25 ELIGIBLE ENTITY AN ACCOUNTING OF THE TRAINING COURSES DELIVERED TO
26 THE ELIGIBLE ENTITY'S LAW ENFORCEMENT OFFICERS.

27 (D) TO PAY THE FOLLOWING OUT-OF-STATE CRIMINAL JUSTICE IN-

1 SERVICE TRAINING EXPENSES, SUBJECT TO THE RESTRICTIONS SET FORTH IN
2 SUBSECTION (3):

3 (i) TUITION COSTS FOR OUT-OF-STATE CRIMINAL JUSTICE IN-SERVICE
4 TRAINING, IF THE ELIGIBLE ENTITY SUBMITS AN OUT-OF-STATE SPECIAL
5 USE REQUEST TO THE COMMISSION AND THE COMMISSION APPROVES THE
6 EXPENDITURE PRIOR TO ATTENDANCE.

7 (ii) REGISTRATION COSTS FOR OUT-OF-STATE TRAINING CONFERENCES,
8 IF THE ELIGIBLE ENTITY SUBMITS AN OUT-OF-STATE SPECIAL USE REQUEST
9 TO THE COMMISSION, THE COMMISSION APPROVES THE EXPENDITURE PRIOR TO
10 ATTENDANCE, AND THE TRAINING IS CONDUCTED FOR NOT LESS THAN 6 HOURS
11 WITHIN ANY 24-HOUR PERIOD.

12 (iii) TRAVEL COSTS, IF FOR THE PURPOSE OF PARTICIPATING IN A
13 LEARNING EXPERIENCE PRODUCED THROUGH READING, LISTENING, OBSERVING,
14 PROBLEM-SOLVING, OR INTERACTING WITH OTHERS, THE OBJECT OF WHICH IS
15 THE INTRODUCTION OR ENHANCEMENT OF KNOWLEDGE, SKILLS, AND JUDGMENT
16 DIRECTLY RELATED TO THE PERFORMANCE OF PROFESSIONAL CRIMINAL
17 JUSTICE TASKS CURRENTLY ASSIGNED OR ASSIGNABLE.

18 (iv) TRAVEL COSTS, IF REQUIRED TO OBTAIN OR MAINTAIN SKILLS OR
19 CERTIFICATION IN A FIELD OF SPECIALIZATION RELATED TO THE EXECUTION
20 OF THE DUTIES OF LAW ENFORCEMENT OFFICERS PROVIDED TO THE GENERAL
21 PUBLIC OR RELATED TO THE EXECUTION OF ADMINISTRATIVE DUTIES THAT
22 ENHANCE THE ABILITY OF LAW ENFORCEMENT OFFICERS TO PERFORM DUTIES
23 PROVIDED TO THE GENERAL PUBLIC.

24 (3) FUNDS SHALL NOT BE DISTRIBUTED UNDER SUBSECTION (2) (D)
25 UNLESS BOTH OF THE FOLLOWING APPLY:

26 (A) THE COURSE IS REGISTERED THROUGH THE MCOLES INFORMATION
27 AND TRACKING NETWORK PRIOR TO THE DATES ON WHICH THE TRAINING IS

1 CONDUCTED.

2 (B) ONE OR BOTH OF THE FOLLOWING:

3 (i) THE COURSE PROVIDES CERTIFICATION IN A FIELD OF
4 SPECIALIZATION THAT IS NOT AVAILABLE IN THIS STATE.

5 (ii) THE COURSE PROVIDES INSTRUCTION THAT IS NOT AVAILABLE IN
6 THIS STATE.

7 (4) AN ELIGIBLE ENTITY SHALL NOT EXPEND FUNDS FROM A LAW
8 ENFORCEMENT DISTRIBUTION FOR ANY OF THE FOLLOWING:

9 (A) TRAINING INDIVIDUALS WHO ARE NOT LAW ENFORCEMENT OFFICERS.

10 (B) TRAVEL EXPENDITURES IN EXCESS OF OR IN VIOLATION OF THE
11 EXPENDITURE RATES AUTHORIZED FOR MEMBERS OF THE STATE CLASSIFIED
12 CIVIL SERVICE.

13 (C) ALCOHOLIC LIQUOR.

14 (5) FOR ELIGIBLE ENTITIES THAT WERE ELIGIBLE TO RECEIVE LAW
15 ENFORCEMENT DISTRIBUTIONS ON OCTOBER 12, 1982, LAW ENFORCEMENT
16 DISTRIBUTIONS MADE UNDER THIS SECTION SHALL SERVE AS A SUPPLEMENT
17 TO, AND NOT AS A REPLACEMENT FOR, THE TRAINING FUNDS BUDGETED
18 OCTOBER 12, 1982, FOR CRIMINAL JUSTICE IN-SERVICE TRAINING OF THE
19 LAW ENFORCEMENT OFFICERS IT EMPLOYS.

20 (6) FOR ELIGIBLE ENTITIES THAT DID NOT ELECT TO RECEIVE OR
21 WERE NOT ELIGIBLE TO RECEIVE LAW ENFORCEMENT DISTRIBUTIONS ON
22 OCTOBER 12, 1982, LAW ENFORCEMENT DISTRIBUTIONS MADE UNDER THIS
23 SECTION SHALL SERVE AS A SUPPLEMENT TO, AND NOT AS A REPLACEMENT
24 FOR, THE TRAINING FUNDS BUDGETED FOR THE YEAR IMMEDIATELY PRECEDING
25 THE FIRST YEAR FOR WHICH THE ELIGIBLE ENTITY RECEIVED LAW
26 ENFORCEMENT DISTRIBUTIONS, FOR CRIMINAL JUSTICE IN-SERVICE TRAINING
27 OF THE LAW ENFORCEMENT OFFICERS IT EMPLOYS.

1 (7) AN ELIGIBLE ENTITY RECEIVING A LAW ENFORCEMENT
2 DISTRIBUTION SHALL EXPEND THE ENTIRE DISTRIBUTION WITHIN 2 YEARS
3 AFTER THE END OF THE CALENDAR YEAR IN WHICH IT WAS RECEIVED. IF THE
4 ELIGIBLE ENTITY FAILS TO EXPEND THE ENTIRE DISTRIBUTION WITHIN THAT
5 PERIOD, IT IS NOT ELIGIBLE TO RECEIVE FURTHER LAW ENFORCEMENT
6 DISTRIBUTIONS UNTIL THE ENTIRE DISTRIBUTION IS EXPENDED FOR
7 CRIMINAL JUSTICE IN-SERVICE TRAINING, AND REPORTED AS PRESCRIBED BY
8 THE COMMISSION.

9 (8) IF AN ELIGIBLE ENTITY IS NO LONGER OPERATING, THE UNIT OF
10 GOVERNMENT WITH WHICH IT IS AFFILIATED SHALL IMMEDIATELY RETURN
11 UNEXPENDED LAW ENFORCEMENT DISTRIBUTION FUNDS IN A MANNER
12 PRESCRIBED BY THE COMMISSION. FUNDS RETURNED AS PROVIDED IN THIS
13 SUBSECTION SHALL BE SEGREGATED AND SHALL BE USED ONLY FOR LAW
14 ENFORCEMENT DISTRIBUTIONS.

15 (9) IF THE COMMISSION DETERMINES THAT AN ELIGIBLE ENTITY HAS
16 EXPENDED LAW ENFORCEMENT DISTRIBUTION FUNDS IN VIOLATION OF THIS
17 ACT, THE COMMISSION MAY DO EITHER OF THE FOLLOWING:

18 (A) DECLARE THE ELIGIBLE ENTITY INELIGIBLE TO RECEIVE FURTHER
19 LAW ENFORCEMENT DISTRIBUTIONS FOR A PERIOD DETERMINED BY THE
20 COMMISSION AND REQUIRE IT TO IMMEDIATELY RETURN THE FUNDS EXPENDED
21 IN VIOLATION OF THIS ACT IN A MANNER PRESCRIBED BY THE COMMISSION.
22 FUNDS RETURNED AS PROVIDED IN THIS SUBDIVISION SHALL BE SEGREGATED
23 AND SHALL BE USED ONLY FOR LAW ENFORCEMENT DISTRIBUTIONS.

24 (B) REQUIRE THE ELIGIBLE ENTITY TO IMMEDIATELY RETURN ALL
25 UNEXPENDED LAW ENFORCEMENT DISTRIBUTION FUNDS, IN ADDITION TO THE
26 FUNDS EXPENDED IN VIOLATION OF THIS ACT. FUNDS RETURNED AS PROVIDED
27 IN THIS SUBDIVISION SHALL BE SEGREGATED AND SHALL BE USED ONLY FOR

1 LAW ENFORCEMENT DISTRIBUTIONS.

2 (10) BEGINNING WITH THE ANNUAL REGISTRATION THAT FOLLOWS THE
3 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,
4 FUNDS RECEIVED IN A LAW ENFORCEMENT DISTRIBUTION THAT HAVE NOT BEEN
5 EXPENDED WITHIN 5 YEARS AFTER THE YEAR IN WHICH THEY WERE RECEIVED
6 SHALL IMMEDIATELY BE RETURNED IN A MANNER PRESCRIBED BY THE
7 COMMISSION. FUNDS RETURNED AS PROVIDED IN THIS SUBSECTION SHALL BE
8 SEGREGATED AND SHALL BE USED ONLY FOR LAW ENFORCEMENT
9 DISTRIBUTIONS.

10 Sec. 5. ~~(1) The Michigan justice training fund is created in~~
11 ~~the state treasury.~~

12 ~~—— (2) Money in the fund which is not distributed in a fiscal~~
13 ~~year and which was to be distributed under section 3(b) shall~~
14 ~~remain in the fund for distribution in future fiscal years only for~~
15 ~~the purposes described in section 3(b).~~

16 ~~—— (3) Investment earnings from the Michigan justice training~~
17 ~~fund assets shall be deposited in the Michigan justice training~~
18 ~~fund.~~

19 (1) AN ELIGIBLE ENTITY RECEIVING LAW ENFORCEMENT DISTRIBUTION
20 FUNDS SHALL MAINTAIN RECORDS OF LAW ENFORCEMENT DISTRIBUTION
21 REVENUES AND EXPENDITURES SEPARATE FROM OTHER FUNDING SOURCES.

22 (2) AN ELIGIBLE ENTITY RECEIVING LAW ENFORCEMENT DISTRIBUTION
23 FUNDS SHALL REPORT TO THE COMMISSION ON EXPENDITURES OF THOSE FUNDS
24 IN A MANNER AND ON INTERVALS PRESCRIBED BY THE COMMISSION. EACH
25 CRIMINAL JUSTICE IN-SERVICE TRAINING PROGRAM FINANCED IN WHOLE OR
26 IN PART BY LAW ENFORCEMENT DISTRIBUTION FUNDS SHALL BE SEPARATELY
27 IDENTIFIED.

1 (3) IF AN ELIGIBLE ENTITY IS NO LONGER OPERATING, THE UNIT OF
2 GOVERNMENT WITH WHICH IT IS AFFILIATED SHALL IMMEDIATELY PROVIDE
3 THE COMMISSION WITH A FINAL ACCOUNTING OF EXPENDITURES OF LAW
4 ENFORCEMENT DISTRIBUTION FUNDS FOR ALL YEARS SINCE THE ELIGIBLE
5 ENTITY LAST REPORTED.

6 ~~Sec. 6. Each eligible entity and state or local agency~~
7 ~~receiving a distribution under this act shall report annually to~~
8 ~~the commission on the results of its training programs. Each~~
9 ~~training program financed in whole or in part by a distribution~~
10 ~~from the Michigan justice training fund shall be separately~~
11 ~~identified. The commission shall report annually to the~~
12 ~~appropriating committees of the legislature on the results of the~~
13 ~~expenditure of the amount distributed.~~ THE FOLLOWING POLICIES AND
14 PROCEDURES APPLY TO ISSUING GRANTS UNDER THIS ACT:

15 (A) THE COMMISSION SHALL NOT AWARD GRANTS TO A PROFESSIONAL
16 ASSOCIATION.

17 (B) THE COMMISSION MAY AWARD GRANTS USING WRITTEN GRANT
18 AGREEMENTS TO WHICH THE COMMISSION AND GRANTEE ARE PARTIES.

19 (C) GRANTEES SHALL SUBMIT APPLICATIONS FOR GRANT AWARDS TO THE
20 COMMISSION IN THE MANNER PRESCRIBED BY THE COMMISSION. THE
21 COMMISSION SHALL PUBLISH GRANT APPLICATION PROCEDURES.

22 SEC. 7. (1) A GRANTEE SHALL EXPEND FUNDS FROM A GRANT AWARD
23 ONLY AS FOLLOWS:

24 (A) TO PROVIDE CRIMINAL JUSTICE IN-SERVICE TRAINING THAT IS
25 DESIGNED AND INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL
26 JUSTICE SERVICES BY EMPLOYEES OF THE GRANTEE OR BY EMPLOYEES OF
27 OTHER GRANTEES.

1 (B) TO PROVIDE CRIMINAL JUSTICE IN-SERVICE TRAINING PRESENTED
2 BY A GRANTEE OR BY A CONTRACTUAL SERVICE PROVIDER RETAINED BY A
3 GRANTEE.

4 (C) TO PAY THE ACTUAL COST OF CRIMINAL JUSTICE IN-SERVICE
5 TRAINING MATERIALS NECESSARY TO, AND USED DURING, THE DIRECT
6 DELIVERY OF CRIMINAL JUSTICE IN-SERVICE TRAINING.

7 (D) TO PAY THE REASONABLE RENTAL COST OR PURCHASE PRICE OF
8 EQUIPMENT NECESSARY TO, AND USED SOLELY DURING, THE DIRECT DELIVERY
9 OF CRIMINAL JUSTICE IN-SERVICE TRAINING.

10 (E) TO PAY THE REASONABLE HOURLY SALARIES OF INSTRUCTORS AND
11 DEVELOPERS FOR ACTUAL TIME SPENT DEVELOPING, PREPARING, AND
12 DELIVERING CRIMINAL JUSTICE IN-SERVICE TRAINING.

13 (2) A GRANTEE SHALL NOT EXPEND FUNDS FROM A GRANT AWARD FOR
14 ANY OF THE FOLLOWING:

15 (A) TRAVEL EXPENDITURES IN EXCESS OF THE EXPENDITURE RATES
16 AUTHORIZED FOR MEMBERS OF THE STATE CLASSIFIED CIVIL SERVICE.

17 (B) TRAVEL COSTS INCURRED TO PARTICIPATE IN A CRIMINAL JUSTICE
18 IN-SERVICE TRAINING PROGRAM, UNLESS THE PROGRAM IS SOLELY FOR
19 CRIMINAL JUSTICE IN-SERVICE TRAINING FOR WHICH THE EXPENDITURE OF
20 GRANT FUNDS IS AUTHORIZED UNDER THIS ACT.

21 (C) ALCOHOLIC LIQUOR.

22 (D) EXPENDITURES RELATED TO CRIMINAL JUSTICE IN-SERVICE
23 TRAINING COURSES FOR WHICH GRANT FUNDING HAS NOT BEEN APPROVED.

24 (E) EXPENDITURES FOR GOODS AND ACTIVITIES NOT RELATED TO
25 CRIMINAL JUSTICE IN-SERVICE TRAINING.

26 (3) IF THE COMMISSION DETERMINES THAT A GRANTEE HAS EXPENDED
27 GRANT AWARD FUNDS IN VIOLATION OF THIS ACT, THE COMMISSION MAY DO

1 EITHER OF THE FOLLOWING:

2 (A) DECLARE THE GRANTEE INELIGIBLE TO RECEIVE FURTHER GRANT
3 AWARDS FOR A PERIOD TO BE DETERMINED BY THE COMMISSION.

4 (B) TERMINATE 1 OR MORE GRANT AWARDS, AND REQUIRE THE GRANTEE
5 TO IMMEDIATELY RETURN GRANT AWARD FUNDS EXPENDED IN VIOLATION OF
6 THIS ACT, IN A MANNER PRESCRIBED BY THE COMMISSION. FUNDS RETURNED
7 AS PROVIDED IN THIS SUBDIVISION SHALL BE SEGREGATED AND SHALL BE
8 USED ONLY FOR THE REASONABLE EXPENSES OF PROVIDING STAFF SERVICES
9 TO THE COMMISSION FOR ADMINISTERING AND ENFORCING THE STATUTORY
10 REQUIREMENTS OF THIS ACT AND ADMINISTERING AND ENFORCING THE
11 STATUTORY REQUIREMENTS OF THE MICHIGAN COMMISSION ON LAW
12 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615, OR
13 FOR GRANT AWARDS.

14 (4) IF A GRANTEE IS NO LONGER OPERATING, THE UNIT OF
15 GOVERNMENT WITH WHICH IT IS AFFILIATED, OR ANY OTHER CONSTITUENT OR
16 SUCCESSOR ENTITY OF THE GRANTEE, SHALL IMMEDIATELY PROVIDE THE
17 COMMISSION WITH A FINAL ACCOUNTING OF ALL EXPENSES INCURRED FOR
18 CRIMINAL JUSTICE IN-SERVICE TRAINING THAT WAS DELIVERED, AND THE
19 COMMISSION SHALL TERMINATE ALL CURRENT GRANT AWARDS.

20 ~~Sec. 8. This act shall not take effect unless House Bill No.~~
21 ~~5520 of the 81st Legislature is enacted into law.~~

22 (1) A GRANTEE RECEIVING A GRANT AWARD AS PROVIDED IN THIS ACT
23 SHALL MAINTAIN RECORDS OF GRANT REVENUES AND EXPENDITURES SEPARATE
24 FROM OTHER FUNDING SOURCES.

25 (2) A GRANTEE RECEIVING A GRANT AWARD AS PROVIDED IN THIS ACT
26 SHALL REPORT TO THE COMMISSION ALL EXPENDITURES OF FUNDS RECEIVED
27 FROM THE MICHIGAN JUSTICE TRAINING FUND, IN A MANNER AND AT

1 INTERVALS PRESCRIBED BY THE COMMISSION. EACH TRAINING PROGRAM
 2 FINANCED IN WHOLE OR IN PART BY A GRANT AWARD FROM THE MICHIGAN
 3 JUSTICE TRAINING FUND SHALL BE SEPARATELY IDENTIFIED IN THE REPORT.

4 SEC. 8A. (1) CRIMINAL JUSTICE IN-SERVICE TRAINING COURSES
 5 SHALL BE REGISTERED THROUGH THE MCOLES INFORMATION AND TRACKING
 6 NETWORK. IF A COURSE IS NOT REGISTERED THROUGH THE MCOLES
 7 INFORMATION AND TRACKING NETWORK, LAW ENFORCEMENT DISTRIBUTION
 8 FUNDS AND GRANT AWARD FUNDS SHALL NOT BE EXPENDED FOR THE COSTS OF
 9 THOSE COURSES.

10 (2) ELIGIBLE ENTITIES AND GRANTEEES SHALL REPORT TO THE
 11 COMMISSION THE TRAINING PARTICIPANTS WHO ATTENDED EACH TRAINING
 12 SESSION FOR WHICH FUNDING WAS PROVIDED IN WHOLE OR IN PART BY THIS
 13 ACT, IN A MANNER AND AT INTERVALS PRESCRIBED BY THE COMMISSION.

14 Sec. 9. The books, records, and accounts ~~of~~ PERTAINING TO the
 15 Michigan justice training ~~commission shall be audited~~ FUND MAY BE
 16 SUBJECT TO AUDIT by the auditor general every 2 years.

17 SEC. 10. THE COMMISSION MAY PROMULGATE RULES GOVERNING THE
 18 ADMINISTRATION AND USE OF THE MICHIGAN JUSTICE TRAINING FUND.

19 Enacting section 1. This amendatory act does not take effect
 20 unless Senate Bill No. 92

21 of the 98th Legislature is enacted into law.