

# HOUSE BILL No. 5852

April 19, 2018, Introduced by Reps. Bellino, LaFave and Iden and referred to the Committee on Appropriations.

A bill to amend 1965 PA 203, entitled  
"Michigan commission on law enforcement standards act,"  
by amending section 9 (MCL 28.609), as amended by 2017 PA 198, and  
by adding section 9e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9. (1) This section applies to all law enforcement  
2 officers except individuals to whom sections 9a, 9b, 9c, and 9d  
3 apply. Employment of law enforcement officers to whom this section  
4 applies is subject to the licensing requirements and procedures of  
5 this section **AND SECTION 9E**. An individual who seeks admission to a  
6 preservice college basic law enforcement training academy or a  
7 regional basic law enforcement training academy or the recognition  
8 of prior basic law enforcement training and experience program for

purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures for individuals licensed under this section. In promulgating the rules, the commission shall give consideration to the varying factors and special requirements of law enforcement agencies. Rules promulgated under this subsection ~~shall~~ **MUST** pertain to the following:

(a) ~~Training~~ **SUBJECT TO SECTION 9E, TRAINING** requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license

1 is required for licensure.

2 (i) Character fitness, as determined by a background  
3 investigation supported by a written authorization and release  
4 executed by the individual for whom licensure is sought.

5 (j) Whether or not United States citizenship is required for  
6 licensure.

7 (k) Employment as a law enforcement officer.

8 (l) The form and manner for execution of a written oath of  
9 office by a law enforcement agency with whom the individual is  
10 employed, and the content of the written oath conferring authority  
11 to act with all of the law enforcement authority described in the  
12 laws of this state under which the individual is employed.

13 (m) The ability to be licensed and employed as a law  
14 enforcement officer under this section, without a restriction  
15 otherwise imposed by law.

16 (3) The licensure process under this section must follow the  
17 following procedures:

18 (a) Before executing the oath of office, an employing law  
19 enforcement agency verifies that the individual to whom the oath is  
20 to be administered complies with licensing standards.

21 (b) A law enforcement agency employing an individual licensed  
22 under this section authorizes the individual to exercise the law  
23 enforcement authority described in the laws of this state under  
24 which the individual is employed, by executing a written oath of  
25 office.

26 (c) Not more than 10 calendar days after executing the oath of  
27 office, the employing law enforcement agency shall attest in

1 writing to the commission that the individual to whom the oath was  
2 administered satisfies the licensing standards by submitting an  
3 executed affidavit and a copy of the executed oath of office.

4 (4) If, upon reviewing the executed affidavit and executed  
5 oath of office, the commission determines that the individual  
6 complies with the licensing standards, the commission shall grant  
7 the individual a license.

8 (5) If, upon reviewing the executed affidavit and executed  
9 oath of office, the commission determines that the individual does  
10 not comply with the licensing standards, the commission may do any  
11 of the following:

12 (a) Supervise the remediation of errors or omissions in the  
13 affidavit and oath of office.

14 (b) Supervise the remediation of errors or omissions in the  
15 screening, procedures, examinations, testing, and other means used  
16 to verify compliance with the licensing standards.

17 (c) Supervise additional screening, procedures, examinations,  
18 testing, and other means used to determine compliance with the  
19 licensing standards.

20 (d) Deny the issuance of a license and inform the employing  
21 law enforcement agency.

22 (6) Upon being informed that the commission has denied  
23 issuance of a license, the employing law enforcement agency shall  
24 promptly inform the individual whose licensure was denied.

25 (7) An individual denied a license under this section shall  
26 not exercise the law enforcement authority described in the laws of  
27 this state under which the individual is employed. This subsection

1 does not divest the individual of that authority until the  
2 individual has been informed that his or her licensure was denied.

3 (8) A law enforcement agency that has administered an oath of  
4 office to an individual under this section shall do all of the  
5 following, with respect to that individual:

6 (a) Report to the commission all personnel transactions  
7 affecting employment status in a manner prescribed in rules  
8 promulgated by the commission.

9 (b) Report to the commission concerning any action taken by  
10 the employing agency that removes the authority conferred by the  
11 oath of office, or that restores the individual's authority to that  
12 conferred by the oath of office, in a manner prescribed in rules  
13 promulgated by the commission.

14 (c) Maintain an employment history record.

15 (d) Collect, verify, and maintain documentation establishing  
16 that the individual complies with the licensing standards.

17 (9) An individual licensed under this section shall report all  
18 of the following to the commission:

19 (a) Criminal charges for offenses for which that individual's  
20 license may be revoked as described in this section, upon being  
21 informed of such charges, in a manner prescribed in rules  
22 promulgated by the commission.

23 (b) The imposition of a personal protection order against that  
24 individual after a judicial hearing under section 2950 or 2950a of  
25 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
26 600.2950a, or under the laws of any other jurisdiction, upon being  
27 informed of the imposition of such an order, in a manner prescribed

1 in rules promulgated by the commission.

2 (10) A license issued under this section is rendered inactive,  
3 and may be reactivated, as follows:

4 (a) A license is rendered inactive if 1 or more of the  
5 following occur:

6 (i) An individual, having been employed as a law enforcement  
7 officer for fewer than 2,080 hours in aggregate, is thereafter  
8 continuously not employed as a law enforcement officer for less  
9 than 1 year.

10 (ii) An individual, having been employed as a law enforcement  
11 officer for fewer than 2,080 hours in aggregate, is thereafter  
12 continuously subjected to a removal of the authority conferred by  
13 the oath of office for less than 1 year.

14 (iii) An individual, having been employed as a law enforcement  
15 officer for 2,080 hours or longer in aggregate, is thereafter  
16 continuously not employed as a law enforcement officer for less  
17 than 2 years.

18 (iv) An individual, having been employed as a law enforcement  
19 officer for 2,080 hours or longer in aggregate, is continuously  
20 subjected to a removal of the authority conferred by the oath of  
21 office for less than 2 years.

22 (b) An employing law enforcement agency may reactivate a  
23 license rendered inactive by complying with the licensure  
24 procedures described in subsection (3), excluding verification of  
25 and attestation to compliance with the licensing standards  
26 described in subsection (2)(a) to (g).

27 (c) A license that has been reactivated under this section is

1 valid for all purposes described in this act.

2 (11) A license issued under this section is rendered lapsed,  
3 without barring further licensure under this act, if 1 or more of  
4 the following occur:

5 (a) An individual, having been employed as a law enforcement  
6 officer for fewer than 2,080 hours in aggregate, is thereafter  
7 continuously not employed as a law enforcement officer for 1 year.

8 (b) An individual, having been employed as a law enforcement  
9 officer for fewer than 2,080 hours in aggregate, is thereafter  
10 continuously subjected to a removal of the authority conferred by  
11 the oath of office for 1 year.

12 (c) An individual, having been employed as a law enforcement  
13 officer for 2,080 hours or longer in aggregate, is thereafter  
14 continuously not employed as a law enforcement officer for 2 years.

15 (d) An individual, having been employed as a law enforcement  
16 officer for 2,080 hours or longer in aggregate, is continuously  
17 subjected to a removal of the authority conferred by the oath of  
18 office for 2 years.

19 (12) The commission shall revoke a license granted under this  
20 section for any of the following circumstances and shall promulgate  
21 rules governing revocations under this subsection:

22 (a) The individual obtained the license by making a materially  
23 false oral or written statement or committing fraud in an  
24 affidavit, disclosure, or application to a law enforcement training  
25 academy, the commission, or a law enforcement agency at any stage  
26 of recruitment, selection, appointment, enrollment, training, or  
27 licensure application.

1 (b) The individual obtained the license because another  
2 individual made a materially false oral or written statement or  
3 committed fraud in an affidavit, disclosure, or application to a  
4 law enforcement training academy, the commission, or a law  
5 enforcement agency at any stage of recruitment, selection,  
6 appointment, enrollment, training, or licensure application.

7 (c) The individual has been subjected to an adjudication of  
8 guilt for a violation or attempted violation of a penal law of this  
9 state or another jurisdiction that is punishable by imprisonment  
10 for more than 1 year.

11 (d) The individual has been subjected to an adjudication of  
12 guilt for violation or attempted violation of 1 or more of the  
13 following penal laws of this state or laws of another jurisdiction  
14 substantially corresponding to the penal laws of this state:

15 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949  
16 PA 300, MCL 257.625, if the individual has a prior conviction, as  
17 that term is defined in section 625(25) (b) of the Michigan vehicle  
18 code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
19 adjudication as described in section 625(9) (b) of the Michigan  
20 vehicle code, 1949 PA 300, MCL 257.625.

21 (ii) Section 7403(2) (c) or 7404(2) (a), (b), or (c) of the  
22 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

23 (iii) Section 81(4) or 81a or a misdemeanor violation of  
24 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,  
25 750.81a, and 750.411h.

26 (13) The following procedures and requirements apply to  
27 license revocation under this section:



1 (a) The commission shall initiate license revocation  
2 proceedings, including, but not limited to, the issuance of an  
3 order of summary suspension and notice of intent to revoke, upon  
4 obtaining notice of facts warranting license revocation.

5 (b) A hearing for license revocation must be conducted as a  
6 contested case under the administrative procedures act of 1969,  
7 1969 PA 306, MCL 24.201 to 24.328.

8 (c) In lieu of participating in a contested case, an  
9 individual may voluntarily and permanently relinquish his or her  
10 law enforcement officer license by executing before a notary public  
11 an affidavit of license relinquishment prescribed by the  
12 commission.

13 (d) The commission need not delay or abate license revocation  
14 proceedings based on an adjudication of guilt if an appeal is taken  
15 from the adjudication of guilt.

16 (e) If the commission issues a final decision or order to  
17 revoke a license, that decision or order is subject to judicial  
18 review as provided in the administrative procedures act of 1969,  
19 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
20 in this section is not a final decision or order for purposes of  
21 judicial review.

22 (14) An individual licensed under this section shall not  
23 exercise the law enforcement authority described in the laws of  
24 this state under which the individual is employed if any of the  
25 following occur:

26 (a) The individual's license is rendered void by a court order  
27 or other operation of law.

1 (b) The individual's license is revoked.

2 (c) The individual's license is rendered inactive.

3 (d) The individual's license is rendered lapsed.

4 **SEC. 9E. (1) BEGINNING JANUARY 1, 2020, AN INDIVIDUAL SEEKING**  
5 **TO BECOME LICENSED UNDER SECTION 9 SHALL COMPLETE ACTIVE SHOOTER**  
6 **TRAINING THAT EMPHASIZES GAINING OF TACTICAL ADVANTAGE AND THE**  
7 **RAPID RESPONSE OF LAW ENFORCEMENT OFFICERS.**

8 (2) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE  
9 MINIMUM STANDARDS FOR THE ACTIVE SHOOTER TRAINING REQUIRED UNDER  
10 SUBSECTION (1).

11 (3) THE MINIMUM ACTIVE SHOOTER TRAINING STANDARDS REQUIRED  
12 UNDER SUBSECTION (1) MUST INCLUDE AT LEAST ALL OF THE FOLLOWING:

13 (A) SCENARIO-BASED INSTRUCTION INVOLVING 360-DEGREE SECURITY.

14 (B) FORMATIONS WITH 1 TO 6 LAW ENFORCEMENT OFFICERS WITH  
15 VARIOUS WEAPONS.

16 (C) BUILDING ENTRY.

17 (D) COORDINATION OF RESCUE TEAMS AND MEDICAL FIRST RESPONDERS.

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