

SENATE BILL NO. 475

May 25, 2021, Introduced by Senator HORN and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending sections 9, 9a, 9b, 9c, and 9d (MCL 28.609, 28.609a,
28.609b, 28.609c, and 28.609d), sections 9, 9b, 9c, and 9d as
amended by 2018 PA 552 and section 9a as amended by 2016 PA 289.

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

1 this section and section 9e. An individual who seeks admission to a
2 preservice college basic law enforcement training academy or a
3 regional basic law enforcement training academy or the recognition
4 of prior basic law enforcement training and experience program for
5 purposes of licensure under this section shall submit to
6 fingerprinting as provided in section 11(3).

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

13 (a) Subject to section 9e, training requirements that may be
14 met by completing either of the following:

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

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

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

25 (a).

26 (c) Physical ability.

27 (d) Psychological fitness.

28 (e) Education.

29 (f) Reading and writing proficiency.

1 (g) Minimum age.

2 (h) Whether or not a valid operator's or chauffeur's license
3 is required for licensure.

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

7 (j) Whether or not United States citizenship is required for
8 licensure.

9 (k) Employment as a law enforcement officer.

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

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

18 (3) The licensure process under this section must follow the
19 following procedures:

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

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

28 (c) Not more than 10 calendar days after executing the oath of
29 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
28 does not divest the individual of that authority until the
29 individual has been informed that his or her licensure was denied.

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

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

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

12 (c) Maintain an employment history record.

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

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

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

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

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

29 (a) A license is rendered inactive if 1 or more of the

1 following occur:

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

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

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

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

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

23 (c) A license that has been reactivated under this section is
24 valid for all purposes described in this act.

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

28 (a) An individual, having been employed as a law enforcement
29 officer for fewer than 2,080 hours in aggregate, is thereafter

1 continuously not employed as a law enforcement officer for 1 year.

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

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

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

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

16 (a) The individual obtained the license by making a materially
17 false oral or written statement or committing fraud in an
18 affidavit, disclosure, or application to a law enforcement training
19 academy, the commission, or a law enforcement agency at any stage
20 of recruitment, selection, appointment, enrollment, training, or
21 licensure application.

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

28 (c) The individual has been subjected to an adjudication of
29 guilt for a violation or attempted violation of a penal law of this

1 state or another jurisdiction that is punishable by imprisonment
2 for more than 1 year.

3 **(d) It has been determined that the individual used excessive**
4 **force that resulted in the death or serious bodily harm of another**
5 **individual in his or her duty as a law enforcement officer. A**
6 **license revoked under this subdivision must not be reissued.**

7 **(e)** ~~(d)~~—The individual has been subjected to an adjudication
8 of guilt for violation or attempted violation of 1 or more of the
9 following penal laws of this state or laws of another jurisdiction
10 substantially corresponding to the penal laws of this state:

11 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
12 300, MCL 257.625, if the individual has a prior conviction, as that
13 term is defined in section 625(25)(b) of the Michigan vehicle code,
14 1949 PA 300, MCL 257.625, that occurred within 7 years of the
15 adjudication as described in section 625(9)(b) of the Michigan
16 vehicle code, 1949 PA 300, MCL 257.625.

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

19 (iii) Section 81(4) or 81a or a misdemeanor violation of section
20 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
21 and 750.411h.

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

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

28 (b) A hearing for license revocation must be conducted as a
29 contested case under the administrative procedures act of 1969,

1 1969 PA 306, MCL 24.201 to 24.328.

2 (c) In lieu of participating in a contested case, an
3 individual may voluntarily and permanently relinquish his or her
4 law enforcement officer license by executing before a notary public
5 an affidavit of license relinquishment prescribed by the
6 commission.

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

10 (e) If the commission issues a final decision or order to
11 revoke a license, that decision or order is subject to judicial
12 review as provided in the administrative procedures act of 1969,
13 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
14 in this section is not a final decision or order for purposes of
15 judicial review.

16 (14) An individual licensed under this section shall not
17 exercise the law enforcement authority described in the laws of
18 this state under which the individual is employed if any of the
19 following occur:

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

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

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

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

25 Sec. 9a. (1) This section applies only to individuals elected
26 or appointed to the office of sheriff in this state. Employment of
27 law enforcement officers to whom this section applies is subject to
28 the licensing requirements and procedures of this section.

29 (2) The licensure process under this section ~~shall~~**must** comply

1 with the following procedures:

2 (a) Not more than 10 calendar days after taking an oath of
3 office for the office of sheriff in this state, an individual shall
4 submit to the commission a copy of the executed oath of office.

5 (b) If, upon reviewing the executed oath of office, the
6 commission determines that the individual has been elected or
7 appointed to the office of sheriff in this state, the commission
8 shall grant the individual a license.

9 (c) If, upon reviewing the executed oath of office, the
10 commission determines that the individual has not been elected or
11 appointed to the office of sheriff in this state, the commission
12 may do either of the following:

13 (i) Verify, through other means, election or appointment to the
14 office of sheriff in this state.

15 (ii) Deny the issuance of a license and inform the individual
16 denied.

17 (3) 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
28 in rules promulgated by the commission.

29 (4) A license granted under this section is valid until any of

1 the following occur:

2 (a) A court order or other operation of law renders the
3 license void.

4 (b) The individual's term of office as a sheriff in this state
5 expires.

6 (c) The commission revokes the license as provided in this
7 section.

8 (5) The commission shall revoke a license granted under this
9 section for any of the following circumstances and shall promulgate
10 rules governing revocations under this subsection:

11 (a) The individual obtained the license by making a materially
12 false oral or written statement or committing fraud in an
13 affidavit, disclosure, or application to a law enforcement training
14 academy, the commission, or a law enforcement agency at any stage
15 of recruitment, selection, appointment, enrollment, training, or
16 licensure application.

17 (b) The individual obtained the license because another
18 individual made a materially false oral or written statement or
19 committed fraud in an affidavit, disclosure, or application to a
20 law enforcement training academy, the commission, or a law
21 enforcement agency at any stage of recruitment, selection,
22 appointment, enrollment, training, or licensure application.

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

27 **(d) It has been determined that the individual used excessive**
28 **force that resulted in the death or serious bodily harm of another**
29 **individual in his or her duty as a sheriff. A license revoked under**

1 **this subdivision must not be reissued.**

2 **(e)** ~~(d)~~—The individual has been subjected to an adjudication
3 of guilt for violation or attempted violation of 1 or more of the
4 following penal laws of this state or laws of another jurisdiction
5 substantially corresponding to the penal laws of this state:

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

12 (ii) Sections 7403(2)(c) and 7404(2)(a), (b), and (c) of the
13 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

14 (iii) Sections 81(4) and 81a and a misdemeanor violation of
15 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,
16 750.81a, and 750.411h.

17 (6) The following procedures and requirements apply to license
18 revocation under this section:

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

23 (b) A hearing for license revocation ~~shall~~**must** be conducted
24 as a contested case under the administrative procedures act of
25 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 (c) In lieu of participating in a contested case, an
27 individual may voluntarily and permanently relinquish his or her
28 law enforcement officer license by executing before a notary public
29 an affidavit of license relinquishment prescribed by the

1 commission.

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

5 (e) If the commission issues a final decision or order to
6 revoke a license, that decision or order is subject to judicial
7 review as provided in the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
9 in this section is not a final decision or order for purposes of
10 judicial review.

11 Sec. 9b. (1) This section applies only to individuals who are
12 employed as Michigan tribal law enforcement officers in this state
13 and are subject to a written instrument authorizing them to enforce
14 the laws of this state. Conferring authority to enforce the laws of
15 this state to law enforcement officers to whom this section applies
16 is subject to the licensing requirements and procedures of this
17 section and section 9e. An individual who seeks admission to a
18 preservice college basic law enforcement training academy or a
19 regional basic law enforcement training academy or the recognition
20 of prior basic law enforcement training and experience program for
21 purposes of licensure under this section shall submit to
22 fingerprinting as provided in section 11(3).

23 (2) The commission shall promulgate rules governing licensing
24 standards and procedures, pertaining to the following:

25 (a) Subject to section 9e, training requirements that may be
26 met by completing either of the following:

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

1 enforcement training academy, or a regional basic law enforcement
2 training academy.

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

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

9 (c) Physical ability.

10 (d) Psychological fitness.

11 (e) Education.

12 (f) Reading and writing proficiency.

13 (g) Minimum age.

14 (h) Whether or not a valid operator's or chauffeur's license
15 is required for licensure.

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

19 (j) Whether or not United States citizenship is required for
20 licensure.

21 (k) Employment as a Michigan tribal law enforcement officer.

22 (l) The form and manner for execution of a written instrument
23 conferring authority upon the individual to enforce the laws of
24 this state, consisting of any of the following:

25 (i) Deputation by a sheriff of this state, conferring authority
26 upon the individual to enforce the laws of this state.

27 (ii) Appointment as a law enforcement officer by a law
28 enforcement agency, conferring authority upon the individual to
29 enforce the laws of this state.

1 (iii) Execution of a written agreement between the Michigan
2 tribal law enforcement agency with whom the individual is employed
3 and a law enforcement agency, conferring authority upon the
4 individual to enforce the laws of this state.

5 (iv) Execution of a written agreement between this state, or a
6 subdivision of this state, and the United States, conferring
7 authority upon the individual to enforce the laws of this state.

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

11 (3) The licensure process under this section must follow the
12 following procedures:

13 (a) A law enforcement agency or other governmental agency
14 conferring authority upon a Michigan tribal law enforcement officer
15 as provided in this section shall confer the authority to enforce
16 the laws of this state by executing a written instrument as
17 provided in this section.

18 (b) Before executing the written instrument, a law enforcement
19 agency or other governmental agency shall verify that the
20 individual complies with the licensing standards.

21 (c) Not more than 10 calendar days after the effective date of
22 the written instrument, the law enforcement agency or other
23 governmental agency executing the written instrument shall attest
24 in writing to the commission that the individual to whom the
25 authority was conferred satisfies the licensing standards, by
26 submitting an executed affidavit and a copy of the written
27 instrument.

28 (4) If, upon reviewing the executed affidavit and the written
29 instrument, the commission determines that the individual complies

1 with the licensing standards, the commission shall grant the
2 individual a license.

3 (5) If, upon reviewing the executed affidavit and the written
4 instrument, the commission determines that the individual does not
5 comply with the licensing standards, the commission may do any of
6 the following:

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

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

12 (c) Supervise additional screening, procedures, examinations,
13 testing, and other means used to determine compliance with the
14 licensing standards.

15 (d) Deny the issuance of a license and inform the law
16 enforcement agency or other governmental agency conferring
17 authority to enforce the laws of this state upon an individual to
18 whom this section applies.

19 (6) Upon being informed that the commission has denied
20 issuance of a license, a law enforcement agency or other
21 governmental agency conferring authority to enforce the laws of
22 this state upon an individual to whom this section applies shall
23 promptly inform the individual denied.

24 (7) An individual denied a license under this section shall
25 not exercise the law enforcement authority described in a written
26 instrument conferring authority upon the individual to enforce the
27 laws of this state. This subsection does not divest the individual
28 of that authority until the individual has been informed that his
29 or her license was denied.

1 (8) A written instrument conferring authority to enforce the
2 laws of this state upon an individual to whom this section applies
3 must include the following:

4 (a) A requirement that the employing Michigan tribal law
5 enforcement agency report to the commission all personnel
6 transactions affecting employment status in a manner prescribed in
7 rules promulgated by the commission.

8 (b) A requirement that the employing Michigan tribal law
9 enforcement agency report to the commission concerning any action
10 it takes that removes the authority conferred by the written
11 instrument conferring authority upon the individual to enforce the
12 laws of this state or that restores the individual's authority to
13 that conferred by the written instrument, in a manner prescribed in
14 rules promulgated by the commission.

15 (c) A requirement that the employing Michigan tribal law
16 enforcement agency maintain an employment history record.

17 (d) A requirement that the employing Michigan tribal law
18 enforcement agency collect, verify, and maintain documentation
19 establishing that the individual complies with the applicable
20 licensing standards.

21 (9) A written instrument conferring authority to enforce the
22 laws of this state upon an individual to whom this section applies
23 must include a requirement that the employing Michigan tribal law
24 enforcement agency report the following regarding an individual
25 licensed under this section:

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

1 (b) The imposition of a personal protection order against that
2 individual after a judicial hearing under section 2950 or 2950a of
3 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
4 600.2950a, or under the laws of any other jurisdiction, upon being
5 informed of the imposition of such an order, in a manner prescribed
6 in rules promulgated by the commission.

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

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

11 (i) An individual, having been employed as a law enforcement
12 officer in aggregate for less than 2,080 hours, is thereafter
13 continuously not employed as a law enforcement officer for less
14 than 1 year.

15 (ii) An individual, having been employed as a law enforcement
16 officer in aggregate for less than 2,080 hours, is thereafter
17 continuously subjected to a removal of the authority conferred by
18 the written instrument authorizing the individual to enforce the
19 laws of this state for less than 1 year.

20 (iii) An individual, having been employed as a law enforcement
21 officer in aggregate for 2,080 hours or longer, is thereafter
22 continuously not employed as a law enforcement officer for less
23 than 2 years.

24 (iv) An individual, having been employed as a law enforcement
25 officer in aggregate for 2,080 hours or longer, is continuously
26 subjected to a removal of the authority conferred by the written
27 instrument authorizing the individual to enforce the laws of this
28 state for less than 2 years.

29 (b) A law enforcement agency or other governmental agency

1 conferring authority to enforce the laws of this state upon an
2 individual to whom this section applies may reactivate a license
3 rendered inactive by complying with the licensure procedures
4 described in subsection (3), excluding verification of and
5 attestation to compliance with the licensing standards described in
6 subsection (2)(a) to (g).

7 (c) A license that has been reactivated under this section is
8 valid for all purposes described in this act.

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

12 (a) An individual, having been employed as a law enforcement
13 officer in aggregate for less than 2,080 hours, is thereafter
14 continuously not employed as a law enforcement officer for 1 year.

15 (b) An individual, having been employed as a law enforcement
16 officer in aggregate for less than 2,080 hours, is thereafter
17 continuously subjected to a removal of the authority conferred by
18 the written instrument authorizing the individual to enforce the
19 laws of this state for 1 year.

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

23 (d) An individual, having been employed as a law enforcement
24 officer in aggregate for 2,080 hours or longer, is continuously
25 subjected to a removal of the authority conferred by the written
26 instrument authorizing the individual to enforce the laws of this
27 state for 2 years.

28 (12) The commission shall revoke a license granted under this
29 section for any of the following circumstances and shall promulgate

1 rules governing these revocations under this section:

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

8 (b) The individual obtained the license because another
9 individual made a materially false oral or written statement or
10 committed fraud in an affidavit, disclosure, or application to a
11 law enforcement training academy, the commission, or a law
12 enforcement agency at any stage of recruitment, selection,
13 appointment, enrollment, training, or licensure application.

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

18 **(d) It has been determined that the individual used excessive**
19 **force that resulted in the death or serious bodily harm of another**
20 **individual in his or her duty as a Michigan tribal law enforcement**
21 **officer. A license revoked under this subdivision must not be**
22 **reissued.**

23 **(e)** ~~(d)~~—The individual has been subjected to an adjudication
24 of guilt for violation or attempted violation of 1 or more of the
25 following penal laws of this state or laws of another jurisdiction
26 substantially corresponding to the penal laws of this state:

27 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
28 300, MCL 257.625, if the individual has a prior conviction, as that
29 term is defined in section 625(25)(b) of the Michigan vehicle code,

1 1949 PA 300, MCL 257.625, that occurred within 7 years of the
2 adjudication as described in section 625(9)(b) of the Michigan
3 vehicle code, 1949 PA 300, MCL 257.625.

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

6 (iii) Section 81(4) or 81a or a misdemeanor violation of section
7 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
8 and 750.411h.

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

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

15 (b) A hearing for license revocation must be conducted as a
16 contested case under the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328.

18 (c) In lieu of participating in a contested case, an
19 individual may voluntarily and permanently relinquish his or her
20 law enforcement officer license by executing before a notary public
21 an affidavit of license relinquishment prescribed by the
22 commission.

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

26 (e) If the commission issues a final decision or order to
27 revoke a license, that decision or order is subject to judicial
28 review as provided in the administrative procedures act of 1969,
29 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described

1 in this section is not a final decision or order for purposes of
2 judicial review.

3 (14) An individual licensed under this section shall not
4 exercise the law enforcement authority described in a written
5 instrument conferring authority upon the individual to enforce the
6 laws of this state if any of the following occur:

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

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

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

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

12 Sec. 9c. (1) This section applies only to individuals who are
13 employed as fire arson investigators from fire departments within
14 villages, cities, townships, or counties in this state, who are
15 sworn and fully empowered by the chiefs of police of those
16 villages, cities, townships, or counties. Conferring authority to
17 enforce the laws of this state to law enforcement officers to whom
18 this section applies is subject to the licensing requirements and
19 procedures of this section and section 9e. An individual who seeks
20 admission to a preservice college basic law enforcement training
21 academy or a regional basic law enforcement training academy or the
22 recognition of prior basic law enforcement training and experience
23 program for purposes of licensure under this section shall submit
24 to fingerprinting as provided in section 11(3).

25 (2) The commission shall promulgate rules governing licensing
26 standards and procedures, pertaining to the following:

27 (a) Subject to section 9e, training requirements that may be
28 met by completing either of the following:

29 (i) Preenrollment requirements, courses of study, attendance

1 requirements, and instructional hours at an agency basic law
2 enforcement training academy, a preservice college basic law
3 enforcement training academy, or a regional basic law enforcement
4 training academy.

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

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

11 (c) Physical ability.

12 (d) Psychological fitness.

13 (e) Education.

14 (f) Reading and writing proficiency.

15 (g) Minimum age.

16 (h) Whether or not a valid operator's or chauffeur's license
17 is required for licensure.

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

21 (j) Whether or not United States citizenship is required for
22 licensure.

23 (k) Employment as a fire arson investigator from a fire
24 department within a village, city, township, or county in this
25 state, who is sworn and fully empowered by the chief of police of
26 that village, city, township, or county.

27 (l) The form and manner for execution of a written oath of
28 office by the chief of police of a village, city, township, or
29 county law enforcement agency, and the content of the written oath

1 conferring authority to enforce the laws of this state.

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

5 (3) The licensure process under this section must follow the
6 following procedures:

7 (a) Before executing the oath of office, the chief of police
8 shall verify that the individual to whom the oath is to be
9 administered complies with the licensing standards.

10 (b) The chief of police shall execute an oath of office
11 authorizing the individual to enforce the laws of this state.

12 (c) Not more than 10 calendar days after executing the oath of
13 office, the chief of police shall attest in writing to the
14 commission that the individual to whom the oath was administered
15 satisfies the licensing standards by submitting an executed
16 affidavit and a copy of the executed oath of office.

17 (4) If, upon reviewing the executed affidavit and executed
18 oath of office, the commission determines that the individual
19 complies with the licensing standards, the commission shall grant
20 the individual a license.

21 (5) If, upon reviewing the executed affidavit and executed
22 oath of office, the commission determines that the individual does
23 not comply with the licensing standards, the commission may do any
24 of the following:

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

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

1 (c) Supervise additional screening, procedures, examinations,
2 testing, and other means used to determine compliance with the
3 licensing standards.

4 (d) Deny the issuance of a license and inform the chief of
5 police.

6 (6) Upon being informed that the commission has denied
7 issuance of a license, the chief of police shall promptly inform
8 the individual whose licensure was denied.

9 (7) An individual denied a license under this section shall
10 not exercise the law enforcement authority described in the oath of
11 office. This subsection does not divest the individual of that
12 authority until the individual has been informed that his or her
13 license was denied.

14 (8) A chief of police who has administered an oath of office
15 to an individual under this section shall do all of the following,
16 with respect to that individual:

17 (a) Report to the commission all personnel transactions
18 affecting employment status in a manner prescribed in rules
19 promulgated by the commission.

20 (b) Report to the commission concerning any action taken by
21 the chief of police that removes the authority conferred by the
22 oath of office, or that restores the individual's authority to that
23 conferred by the oath of office, in a manner prescribed in rules
24 promulgated by the commission.

25 (c) Maintain an employment history record.

26 (d) Collect, verify, and maintain documentation establishing
27 that the individual complies with the applicable licensing
28 standards.

29 (9) An individual licensed under this section shall report all

1 of the following to the commission:

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

6 (b) Imposition of a personal protection order against that
7 individual after a judicial hearing under section 2950 or 2950a of
8 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
9 600.2950a, or under the laws of any other jurisdiction, upon being
10 informed of the imposition of such an order, in a manner prescribed
11 in rules promulgated by the commission.

12 (10) A license issued under this section is rendered lapsed,
13 without barring further licensure under this act, if 1 or both of
14 the following occur:

15 (a) The individual is no longer employed as a fire arson
16 investigator from a fire department within a village, city,
17 township, or county in this state, who is sworn and fully empowered
18 by the chief of police of that village, city, township, or county,
19 rendering the license lapsed.

20 (b) The individual is subjected to a removal of the authority
21 conferred by the oath of office, rendering the license lapsed.

22 (11) The commission shall revoke a license granted under this
23 section for any of the following circumstances and shall promulgate
24 rules governing these revocations under this subsection:

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

1 licensure application.

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

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

12 **(d) It has been determined that the individual used excessive**
13 **force that resulted in the death or serious bodily harm of another**
14 **individual in his or her duty as a fire arson investigator. A**
15 **license revoked under this subdivision must not be reissued.**

16 **(e)** ~~(d)~~—The individual has been subjected to an adjudication
17 of guilt for violation or attempted violation of 1 or more of the
18 following penal laws of this state or laws of another jurisdiction
19 substantially corresponding to the penal laws of this state:

20 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
21 300, MCL 257.625, if the individual has a prior conviction, as that
22 term is defined in section 625(25)(b) of the Michigan vehicle code,
23 1949 PA 300, MCL 257.625, that occurred within 7 years of the
24 adjudication as described in section 625(9)(b) of the Michigan
25 vehicle code, 1949 PA 300, MCL 257.625.

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

28 (iii) Section 81(4) or 81a or a misdemeanor violation of section
29 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,

1 and 750.411h.

2 (12) The following procedures and requirements apply to
3 license revocation under this section:

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

8 (b) A hearing for license revocation must be conducted as a
9 contested case under the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328.

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

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

19 (e) If the commission issues a final decision or order to
20 revoke a license, that decision or order is subject to judicial
21 review as provided in the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
23 in this section is not a final decision or order for purposes of
24 judicial review.

25 (13) An individual licensed under this section shall not
26 exercise the law enforcement authority described in the oath of
27 office if any of the following occur:

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

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

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

3 Sec. 9d. (1) This section applies only to individuals who meet
4 all of the following conditions:

5 (a) Are employed as private college security officers under
6 section 37 of the private security business and security alarm act,
7 1968 PA 330, MCL 338.1087.

8 (b) Seek licensure under this act.

9 (c) Are sworn and fully empowered by a chief of police of a
10 village, city, or township law enforcement agency, or are deputized
11 by a county sheriff as a deputy sheriff, excluding deputation as a
12 special deputy.

13 (2) The authority to enforce the laws of this state of private
14 college security officers to whom this section applies is subject
15 to the licensing requirements and procedures of this section and
16 section 9e. An individual who seeks admission to a preservice
17 college basic law enforcement training academy or a regional basic
18 law enforcement training academy or the recognition of prior basic
19 law enforcement training and experience program for purposes of
20 licensure under this section shall submit to fingerprinting as
21 provided in section 11(3).

22 (3) The commission shall promulgate rules governing licensing
23 standards and procedures, pertaining to the following:

24 (a) Subject to section 9e, training requirements that may be
25 met by completing either of the following:

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

1 training academy.

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

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

8 (c) Physical ability.

9 (d) Psychological fitness.

10 (e) Education.

11 (f) Reading and writing proficiency.

12 (g) Minimum age.

13 (h) Whether or not a valid operator's or chauffeur's license
14 is required for licensure.

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

18 (j) Whether or not United States citizenship is required for
19 licensure.

20 (k) Employment as a private college security officer as
21 defined in section 37 of the private security business and security
22 alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully
23 empowered by the chief of police of a village, city, or township
24 law enforcement agency, or deputized by a county sheriff as a
25 deputy sheriff, excluding deputation as a special deputy.

26 (l) The form and manner for execution of a written oath of
27 office by the chief of police of a village, city, or township law
28 enforcement agency, or by a county sheriff, and the content of the
29 written oath conferring the authority to enforce the general

1 criminal laws of this state.

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

5 (4) The licensure process under this section must follow the
6 following procedures:

7 (a) Before executing the oath of office, the chief of police
8 of a village, city, or township law enforcement agency or the
9 county sheriff shall verify that the private college security
10 officer to whom the oath is administered complies with the
11 licensing standards.

12 (b) The chief of police of a village, city, or township law
13 enforcement agency or the county sheriff shall execute an oath of
14 office authorizing the private college security officer to enforce
15 the general criminal laws of this state.

16 (c) Not more than 10 calendar days after executing the oath of
17 office, the chief of police of a village, city, or township law
18 enforcement agency or the county sheriff shall attest in writing to
19 the commission that the private college security officer to whom
20 the oath was administered satisfies the licensing standards by
21 submitting an executed affidavit and a copy of the executed oath of
22 office.

23 (5) If upon reviewing the executed affidavit and oath of
24 office the commission determines that the private college security
25 officer complies with the licensing standards, the commission shall
26 grant the private college security officer a license.

27 (6) If upon reviewing the executed affidavit and oath of
28 office the commission determines that the private college security
29 officer does not comply with the licensing standards, the

1 commission may do any of the following:

2 (a) Supervise remediation of errors or omissions in the
3 affidavit or oath of office.

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

7 (c) Supervise additional screening, procedures, examinations,
8 testing, and other means used to determine compliance with the
9 licensing standards.

10 (d) Deny the issuance of a license and inform the chief of
11 police of a village, city, or township law enforcement agency or
12 the county sheriff of the denial.

13 (7) Upon being informed that the commission has denied
14 issuance of a license, the chief of police of a village, city, or
15 township law enforcement agency or the county sheriff shall
16 promptly inform the private college security officer seeking
17 licensure that he or she has been denied issuance of a license
18 under this section.

19 (8) A private college security officer denied a license under
20 this section may not exercise the law enforcement authority
21 described in the oath of office. This subsection does not divest
22 the private college security officer of that authority until the
23 private college security officer has been informed that his or her
24 licensure was denied.

25 (9) A chief of police of a village, city, or township law
26 enforcement agency or a county sheriff who has administered an oath
27 of office to a private college security officer under this section
28 shall, with respect to that private college security officer, do
29 all of the following:

1 (a) Report to the commission concerning all personnel
2 transactions affecting employment status, in a manner prescribed in
3 rules promulgated by the commission.

4 (b) Report to the commission concerning any action taken by
5 the chief of police of a village, city, or township law enforcement
6 agency or the county sheriff that removes the authority conferred
7 by the oath of office or that restores the private college security
8 officer's authority conferred by the oath of office, in a manner
9 prescribed in rules promulgated by the commission.

10 (c) Maintain an employment history record.

11 (d) Collect, verify, and maintain documentation establishing
12 that the private college security officer complies with the
13 applicable licensing standards.

14 (10) If a private college or university appoints an individual
15 as a private college security officer under section 37 of the
16 private security business and security alarm act, 1968 PA 330, MCL
17 338.1087, and the private college security officer is licensed
18 under this section, the private college or university, with respect
19 to the private college security officer, shall do all of the
20 following:

21 (a) Report to the commission all personnel transactions
22 affecting employment status in a manner prescribed in rules
23 promulgated by the commission.

24 (b) Report to the chief of police of a village, city, or
25 township law enforcement agency or the county sheriff who
26 administered the oath of office to that private college security
27 officer all personnel transactions affecting employment status, in
28 a manner prescribed in rules promulgated by the commission.

29 (11) A private college security officer licensed under this

1 section shall report all of the following to the commission:

2 (a) Criminal charges for offenses for which the private
3 college security officer's license may be revoked as described in
4 this section upon being informed of such charges and in a manner
5 prescribed in rules promulgated by the commission.

6 (b) The imposition of a personal protection order against the
7 private college security officer after a judicial hearing under
8 section 2950 or 2950a of the revised judicature act of 1961, 1961
9 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other
10 jurisdiction, upon being informed of the imposition of such an
11 order, in a manner prescribed in rules promulgated by the
12 commission.

13 (12) A license granted under this section is rendered lapsed,
14 without barring further licensure under this act, if 1 or both of
15 the following occur:

16 (a) The private college security officer is no longer employed
17 as a private college security officer appointed under section 37 of
18 the private security business and security alarm act, 1968 PA 330,
19 MCL 338.1087, who is sworn and fully empowered by the chief of
20 police of a village, city, or township law enforcement agency, or
21 deputized by a county sheriff as a deputy sheriff, excluding
22 deputation as a special deputy, rendering the license lapsed.

23 (b) The private college security officer is subjected to a
24 removal of the authority conferred by the oath of office, rendering
25 the license lapsed.

26 (13) The commission shall revoke a license granted under this
27 section for any of the following and shall promulgate rules
28 governing these revocations:

29 (a) The private college security officer obtained the license

1 by making a materially false oral or written statement or
2 committing fraud in the affidavit, disclosure, or application to a
3 law enforcement training academy, the commission, or a law
4 enforcement agency at any stage of recruitment, selection,
5 appointment, enrollment, training, or licensure application.

6 (b) The private college security officer obtained the license
7 because another person made a materially false oral or written
8 statement or committed fraud in the affidavit, disclosure, or
9 application to a law enforcement training academy, the commission,
10 or a law enforcement agency at any stage of recruitment, selection,
11 appointment, enrollment, training, or licensure application.

12 (c) The private college security officer has been subjected to
13 an adjudication of guilt for a violation or attempted violation of
14 a penal law of this state or another jurisdiction that is
15 punishable by imprisonment for more than 1 year.

16 **(d) It has been determined that the private college security**
17 **officer used excessive force that resulted in the death or serious**
18 **bodily harm of an individual in his or her duty as a private**
19 **college security officer. A license revoked under this subdivision**
20 **must not be reissued.**

21 **(e)** ~~(d)~~ The private college security officer has been
22 subjected to an adjudication of guilt for a violation or attempted
23 violation of 1 or more of the following penal laws of this state or
24 another jurisdiction substantially corresponding to the penal laws
25 of this state:

26 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
27 300, MCL 257.625, if the individual has a prior conviction, as that
28 term is defined in section 625(25)(b) of the Michigan vehicle code,
29 1949 PA 300, MCL 257.625, that occurred within 7 years of the

1 adjudication as described in section 625(9)(b) of the Michigan
2 vehicle code, 1949 PA 300, MCL 257.625.

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

5 (iii) Section 81(4) or 81a or a misdemeanor violation of section
6 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
7 and 750.411h.

8 (14) The following procedures and requirements apply to
9 license revocation under this section:

10 (a) The commission shall initiate license revocation
11 proceedings, including, but not limited to, the issuance of an
12 order for summary suspension and notice of intent to revoke a
13 license upon obtaining notice of facts warranting license
14 revocation.

15 (b) A hearing for license revocation must be conducted as a
16 contested case under the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328.

18 (c) In lieu of participating in a contested case, a private
19 ~~security~~-college **security** officer may voluntarily and permanently
20 relinquish his or her law enforcement officer license under this
21 section by executing before a notary public an affidavit of license
22 relinquishment as prescribed by the commission.

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

26 (e) If the commission issues a final decision or order to
27 revoke a license, that decision or order is subject to judicial
28 review as provided in the administrative procedures act of 1969,
29 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described

1 in this section is not a final decision or order for purposes of
2 judicial review.

3 (15) A private college security officer licensed under this
4 section shall not exercise the law enforcement authority described
5 in the oath of office he or she executed if any of the following
6 occur:

7 (a) The private college security officer's license is rendered
8 void by a court order or other operation of law.

9 (b) The private college security officer's license is revoked.

10 (c) The private college security officer's license is rendered
11 lapsed.