

# HOUSE BILL No. 4946

June 19, 1997, Introduced by Reps. Prusi, Tesanovich, Agee, McBryde, Kelly, Goschka and McNutt and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled  
"Michigan law enforcement officers training council act of 1965,"  
by amending section 9 (MCL 28.609), as amended by 1994 PA 155.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 9. (1) The council shall prepare and publish minimum  
2 employment standards with due consideration to varying factors  
3 and special requirements of local police agencies relative to:

4       (a) Minimum standards of physical, educational, mental, and  
5 moral fitness that govern the recruitment, selection, and  
6 appointment of police officers.

7       (b) The approval of police training schools administered by  
8 a city, county, township, village, or corporation.

9       (c) Minimum courses of study, attendance requirements of at  
10 least 240 instructional hours, equipment, and facilities required

1 at approved city, county, township, village, or corporation  
2 police training schools.

3 (d) The requirements in subdivision (c) shall be waived if  
4 ~~any~~ 1 OR MORE of the following occur:

5 (i) The person has previously completed the mandatory train-  
6 ing requirements and served 1 year or less as a law enforcement  
7 officer, has voluntarily or involuntarily discontinued his or her  
8 service as a law enforcement officer, and within 1 year after  
9 discontinuing that service is again employed as a law enforcement  
10 officer.

11 (ii) The person has served more than 1 year but less than 5  
12 years as a law enforcement officer, has previously completed the  
13 mandatory training requirements, and is again employed as a law  
14 enforcement officer within 18 months after discontinuing service  
15 as a law enforcement officer.

16 (iii) The person has served 5 years or more as a law  
17 enforcement officer and is again employed as a law enforcement  
18 officer within 2 years after discontinuing service as a law  
19 enforcement officer.

20 (iv) The person is a member of a sheriff's posse or police  
21 auxiliary temporarily engaged in the performance of his or her  
22 duties under the direction of the sheriff or police department.

23 (e) Minimum qualifications for instructors at approved  
24 police training schools.

25 (f) Minimum basic training requirements that a person,  
26 excluding sheriffs, shall complete before being eligible for  
27 employment as a law enforcement officer.

1 (g) Categories or classifications of advanced in-service  
2 training programs and minimum courses of study and attendance  
3 requirements for these categories or classifications.

4 (h) The establishment of subordinate regional training cen-  
5 ters in strategic geographic locations in order to serve the  
6 greatest number of police agencies that are unable to support  
7 their own training programs.

8 (i) Acceptance of certified basic police training and law  
9 enforcement experience received by a person in another state in  
10 fulfillment in whole or in part of the minimum employment stan-  
11 dards prepared and published by the council.

12 (j) Acceptance of basic police training and law enforcement  
13 experience received by a person in fulfillment in whole or in  
14 part of the minimum employment standards prepared and published  
15 by the council if both of the following apply:

16 (i) The person successfully completed the basic police  
17 training in another state or through a federally operated police  
18 training school that was sufficient to fulfill the minimum  
19 employment standards required by federal law to be appointed as a  
20 law enforcement officer of a Michigan Indian tribal police  
21 force.

22 (ii) The person is or was a law enforcement officer of a  
23 Michigan Indian tribal police force for a period of 1 year or  
24 more.

25 (K) ACCEPTANCE OF BASIC POLICE TRAINING AND LAW ENFORCEMENT  
26 EXPERIENCE RECEIVED BY A PERSON THROUGH A FEDERAL OR MILITARY

1 POLICE TRAINING SCHOOL IN WHOLE OR IN PART OF THE MINIMUM  
2 EMPLOYMENT STANDARDS PREPARED AND PUBLISHED BY THE COUNCIL.

3       (2) Except as otherwise provided in this act, a regularly  
4 employed person employed on or after January 1, 1977 as a member  
5 of a police force having a full-time officer is not empowered to  
6 exercise all the authority of a peace officer in this state, or  
7 be employed in a position for which the authority of a peace  
8 officer is conferred by statute, unless the person has complied  
9 with the minimum employment standards prepared and published by  
10 the council pursuant to this section. Law enforcement officers  
11 employed before January 1, 1977, may continue their employment  
12 and participate in training programs on a voluntary or assigned  
13 basis but failure to meet the standards described in this subsec-  
14 tion shall not be grounds for dismissal of or termination of  
15 employment. A law enforcement officer employed before January 1,  
16 1977 who fails to meet the minimum employment standards estab-  
17 lished pursuant to this section and who voluntarily or involun-  
18 tarily discontinues his or her work as a law enforcement officer  
19 may be employed with a law enforcement agency if that officer  
20 meets the requirements of subsection (1)(d)(iii).

21       (3) A law enforcement officer of a Michigan Indian tribal  
22 police force is not empowered to exercise the authority of a  
23 peace officer under the laws of this state and shall not be  
24 employed in a position for which peace officer authority is  
25 granted under the laws of this state unless all of the following  
26 requirements are met:

1 (a) The tribal law enforcement officer is certified under  
2 this act.

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

5 (i) Deputized by the sheriff of the county in which the  
6 trust lands of the Michigan Indian tribe employing the tribal law  
7 enforcement officer are located, or by the sheriff of any county  
8 that borders the trust lands of that Michigan Indian tribe, pur-  
9 suant to section 70 of ~~chapter 14 of the Revised Statutes of~~  
10 ~~1846, being section 51.70 of the Michigan Compiled Laws~~ 1846 RS  
11 14, MCL 51.70.

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

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

22 (d) The written contract described in subdivision (c) is  
23 incorporated into a self-determination contract, grant agreement,  
24 or cooperative agreement between the United States secretary of  
25 the interior and the tribal government of the Michigan Indian  
26 tribe employing the tribal law enforcement officer pursuant to

1 the Indian self-determination and education assistance act, ~~of~~  
2 ~~1975,~~ Public Law 93-638, 88 Stat. 2203.

3       (4) The council may establish an evaluation or testing pro-  
4 cess, or both, for the purpose of granting a waiver of the manda-  
5 tory training requirements to those law enforcement officers who  
6 have been certified under this act and who discontinue service as  
7 a law enforcement officer for a period of time exceeding the time  
8 prescribed in subsection (1)(d)(i), (ii), or (iii).