

SUBSTITUTE FOR
HOUSE BILL NO. 5342

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Certificate" means a numbered document issued by the
3 commission to a person who has received certification under this
4 act.

5 (b) "Certification" means either of the following:

6 (i) A determination by the commission that a person meets
7 the law enforcement officer minimum standards to be employed as a
8 commission certified law enforcement officer and that the person
9 is authorized under this act to be employed as a law enforcement
10 officer.

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1 (ii) A determination by the commission that a person was
2 employed as a law enforcement officer before January 1, 1977 and
3 that the person is authorized under this act to be employed as a
4 law enforcement officer.

5 (c) "Commission" means the commission on law enforcement
6 standards created in section 3.

7 (d) "Contested case" means that term as defined in section 3
8 of the administrative procedures act of 1969, 1969 PA 306,
9 MCL 24.203.

10 (e) "Executive director" means the executive director of the
11 commission appointed under section 12.

12 (f) "Felony" means a violation of a penal law of this state
13 or another state that is either of the following:

14 (i) Punishable by a term of imprisonment greater than 1
15 year.

16 (ii) Expressly designated a felony by statute.

17 (g) "Fund" means the law enforcement officers training fund
18 created in section 13.

19 (h) "Law enforcement officer minimum standards" means stan-
20 dards established by the commission under this act that a person
21 must meet to be eligible for certification under section 9a(1).

22 (i) "Law enforcement officer of a Michigan Indian tribal
23 police force" means a regularly employed member of a police force
24 of a Michigan Indian tribe who is appointed pursuant to 25
25 C.F.R. 12.100 to 12.103.

26 (j) "Michigan Indian tribe" means a federally recognized
27 Indian tribe that has trust lands located within this state.

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1 (k) "Police officer" or "law enforcement officer" means,
2 unless the context requires otherwise, ~~either~~ ANY of the
3 following:

4 (i) A regularly employed member of a police force or other
5 organization of a city, county, township, or village, of the
6 state, or of a state university or community college who is
7 responsible for the prevention and detection of crime and the
8 enforcement of the general criminal laws of this state. Police
9 officer or law enforcement officer does not include a person
10 serving solely because he or she occupies any other office or
11 position.

12 (ii) A law enforcement officer of a Michigan Indian tribal
13 police force, subject to the limitations set forth in
14 section 9(3).

15 (iii) UNTIL THE EXPIRATION OF 3 YEARS AFTER THE EFFECTIVE
16 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, THE SER-
17 GEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS OF EITHER HOUSE
18 OF THE LEGISLATURE WHO IS COMMISSIONED AS A POLICE OFFICER BY
19 THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS PROVIDED BY THE LEG-
20 ISLATIVE SERGEANT AT ARMS POLICE POWERS ACT.

21 (l) "Rule" means a rule promulgated pursuant to the adminis-
22 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
23 24.328.

24 Enacting section 1. This amendatory act does not take
25 effect unless House Bill No. 5341 of the 91st Legislature is
26 enacted into law.