

**SUBSTITUTE FOR  
SENATE BILL NO. 449**

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as  
amended by 2004 PA 379 and section 9 as amended by 2005 PA 239.

**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 the  
7       law enforcement officer minimum standards to be employed as a  
8       commission certified law enforcement officer and that the person is  
9       authorized under this act to be employed as a law enforcement

1 officer.

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

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

8 (d) "Contested case" means that term as defined in section 3  
9 of the administrative procedures act of 1969, 1969 PA 306, MCL  
10 24.203.

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

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

15 (i) Punishable by a term of imprisonment greater than 1 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  
20 standards established by the commission under this act that a  
21 person must meet to be eligible for certification under section  
22 9a(1).

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

27 (j) "Michigan Indian tribe" means a federally recognized

1 Indian tribe that has trust lands located within this state.

2 (k) "Multicounty metropolitan district" means an entity  
3 authorized and established pursuant to state law by 2 or more  
4 counties with a combined population of not less than 3,000,000, for  
5 the purpose of cooperative planning, promoting, acquiring,  
6 constructing, owning, developing, maintaining, or operating parks.

7 (l) "Police officer" or "law enforcement officer" means, unless  
8 the context requires otherwise, any of the following:

9 (i) A regularly employed member of a law enforcement agency  
10 authorized and established pursuant to law, including common law,  
11 who is responsible for the prevention and detection of crime and  
12 the enforcement of the general criminal laws of this state. Police  
13 officer or law enforcement officer does not include a person  
14 serving solely because he or she occupies any other office or  
15 position.

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

18 (iii) The sergeant at arms or any assistant sergeant at arms of  
19 either house of the legislature who is commissioned as a police  
20 officer by that respective house of the legislature as provided by  
21 the legislative sergeant at arms police powers act, 2001 PA 185,  
22 MCL 4.381 to 4.382.

23 (iv) A law enforcement officer of a multicounty metropolitan  
24 district, subject to the limitations of section 9(7).

25 (v) A county prosecuting attorney's investigator sworn and  
26 fully empowered by the sheriff of that county.

27 (vi) Until December 31, 2007, a law enforcement officer of a

1 school district in this state that has a membership of at least  
2 20,000 pupils and that includes in its territory a city with a  
3 population of at least 180,000 as of the most recent federal  
4 decennial census.

5 (vii) A fire arson investigator from a fire department within a  
6 city with a population of not less than 750,000 who is sworn and  
7 fully empowered by the city chief of police.

8 (M) "REGULARLY EMPLOYED" MEANS TO BE EMPLOYED BY A POLICE  
9 FORCE OR LAW ENFORCEMENT AGENCY FOR MORE THAN 120 HOURS ANNUALLY.

10 (N) ~~(m)~~"Rule" means a rule promulgated pursuant to the  
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
12 24.328.

13 Sec. 9. (1) The commission shall promulgate rules to establish  
14 law enforcement officer minimum standards **AND GUIDELINES**. The rules  
15 do not apply to a member of a sheriff's posse or a police auxiliary  
16 temporarily performing his or her duty under the direction of the  
17 sheriff or police department. In promulgating the law enforcement  
18 officer minimum standards **AND GUIDELINES**, the commission shall give  
19 consideration to the varying factors and special requirements of  
20 local police agencies. The law enforcement officer minimum  
21 standards **AND GUIDELINES** shall include all of the following:

22 (a) Minimum standards of physical, educational, mental, and  
23 moral fitness that govern the recruitment, selection, appointment,  
24 and certification of law enforcement officers.

25 (b) Minimum courses of study, attendance requirements, and  
26 instructional hours required at approved police training schools.

27 (C) **MINIMUM COURSES OF INSTRUCTION ON ALL OF THE FOLLOWING:**

1           (i) RACIAL PROFILING.

2           (ii) UNDERSTANDING OF AND RESPECT FOR RACIAL AND CULTURAL  
3 DIFFERENCES.

4           (iii) NONCOMBATIVE METHODS OF CARRYING OUT LAW ENFORCEMENT  
5 DUTIES IN A RACIALLY AND CULTURALLY DIVERSE ENVIRONMENT.

6           (D) ~~(e)~~—Minimum basic training requirements that a person,  
7 excluding sheriffs, shall complete before being eligible for  
8 certification under section 9a(1).

9           (E) GUIDELINES, WHICH THE COMMISSION SHALL MAKE AVAILABLE TO  
10 ALL LAW ENFORCEMENT AGENCIES, THAT IDENTIFY THE PATTERNS,  
11 PRACTICES, AND PROTOCOLS THAT MAKE UP RACIAL PROFILING.

12           (2) If a person's certification under section 9a(1) becomes  
13 void under section 9a(4)(b), the commission shall waive the  
14 requirements described in subsection (1)(b) for certification of  
15 the person under section 9a(1) if 1 or more of the following apply:

16           (a) The person has been employed 1 year or less as a  
17 commission certified law enforcement officer and is again employed  
18 as a law enforcement officer within 1 year after discontinuing  
19 employment as a commission certified law enforcement officer.

20           (b) The person has been employed more than 1 year but less  
21 than 5 years as a commission certified law enforcement officer and  
22 is again employed as a law enforcement officer within 18 months  
23 after discontinuing employment as a commission certified law  
24 enforcement officer.

25           (c) The person has been employed 5 years or more as a  
26 commission certified law enforcement officer and is again employed  
27 as a law enforcement officer within 2 years after discontinuing

1 employment as a commission certified law enforcement officer.

2 (d) The person has successfully completed the mandatory  
3 training and has been continuously employed as a law enforcement  
4 officer, but through no fault of that person the employing agency  
5 failed to obtain certification for that person as required by this  
6 act.

7 (3) A commission certified law enforcement officer who is a  
8 member of any of the reserve components of the United States armed  
9 forces and who is called to active duty in the armed forces is not  
10 considered to have discontinued his or her employment as a  
11 commission certified law enforcement officer under section  
12 9a(4)(b). The person's certification under section 9a(1) shall not  
13 become void during that term of active military service. However,  
14 the certification of a certified law enforcement officer described  
15 in this subsection may be revoked under section 9b if the officer  
16 committed an offense during the period of active duty in the armed  
17 forces that resulted in a conviction enumerated in section 9b(1).  
18 As used in this subsection, "reserve components of the United  
19 States armed forces" means that term as defined in section 2 of the  
20 military family relief fund act, 2004 PA 363, MCL 35.1212. This  
21 subsection does not apply to a commission certified law enforcement  
22 officer who volunteers for a term of active military service or who  
23 voluntarily extends a term of active military service that began  
24 when he or she was called to active duty. This subsection does not  
25 apply to a commission certified law enforcement officer who is  
26 dishonorably discharged from a term of active military service.

27 (4) The commission shall promulgate rules with respect to all

1 of the following:

2 (a) The categories or classifications of advanced in-service  
3 training programs for commission certified law enforcement officers  
4 and minimum courses of study and attendance requirements for the  
5 categories or classifications.

6 (b) The establishment of subordinate regional training centers  
7 in strategic geographic locations in order to serve the greatest  
8 number of police agencies that are unable to support their own  
9 training programs.

10 (c) The commission's acceptance of certified basic police  
11 training and law enforcement experience received by a person in  
12 another state in fulfillment in whole or in part of the law  
13 enforcement officer minimum standards.

14 (d) The commission's approval of police training schools  
15 administered by a city, county, township, village, corporation,  
16 college, community college or university.

17 (e) The minimum qualifications for instructors at approved  
18 police training schools.

19 (f) The minimum facilities and equipment required at approved  
20 police training schools.

21 (g) The establishment of preservice basic training programs at  
22 colleges and universities.

23 (h) Acceptance of basic police training and law enforcement  
24 experience received by a person in fulfillment in whole or in part  
25 of the law enforcement officer minimum standards prepared and  
26 published by the commission if both of the following apply:

27 (i) The person successfully completed the basic police training

1 in another state or through a federally operated police training  
2 school that was sufficient to fulfill the minimum standards  
3 required by federal law to be appointed as a law enforcement  
4 officer of a Michigan Indian tribal police force.

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

7 (5) Except as otherwise provided in this section, a regularly  
8 employed person employed on or after January 1, 1977 as a member of  
9 a police force having a full-time officer is not empowered to  
10 exercise all the authority of a peace officer in this state, or be  
11 employed in a position for which the authority of a peace officer  
12 is conferred by statute, unless the person has received  
13 certification under section 9a(1).

14 (6) A law enforcement officer employed before January 1, 1977  
15 may continue his or her employment as a law enforcement officer and  
16 participate in training programs on a voluntary or assigned basis  
17 but failure to obtain certification under section 9a(1) or (2) is  
18 not grounds for dismissal of or termination of that employment as a  
19 law enforcement officer. A person who was employed as a law  
20 enforcement officer before January 1, 1977 who fails to obtain  
21 certification under section 9a(1) and who voluntarily or  
22 involuntarily discontinues his or her employment as a law  
23 enforcement officer may be employed as a law enforcement officer if  
24 he or she was employed 5 years or more as a law enforcement officer  
25 and is again employed as a law enforcement officer within 2 years  
26 after discontinuing employment as a law enforcement officer.

27 (7) A law enforcement officer of a Michigan Indian tribal



1 police force is not empowered to exercise the authority of a peace  
2 officer under the laws of this state and shall not be employed in a  
3 position for which peace officer authority is granted under the  
4 laws of this state unless all of the following requirements are  
5 met:

6 (a) The tribal law enforcement officer is certified under this  
7 act.

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

9 (i) Deputized by the sheriff of the county in which the trust  
10 lands of the Michigan Indian tribe employing the tribal law  
11 enforcement officer are located, or by the sheriff of any county  
12 that borders the trust lands of that Michigan Indian tribe,  
13 pursuant to section 70 of 1846 RS 14, MCL 51.70.

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

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

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

1 self-determination and education assistance act, Public Law 93-638,  
2 88 Stat. 2203.

3 (8) A law enforcement officer of a multicounty metropolitan  
4 district, other than a law enforcement officer employed by a law  
5 enforcement agency created under the public body law enforcement  
6 agency act, is not empowered to exercise the authority of a peace  
7 officer under the laws of this state and shall not be employed in a  
8 position for which peace officer authority is granted under the  
9 laws of this state unless all of the following requirements are  
10 met:

11 (a) The law enforcement officer has met or exceeded minimum  
12 standards for certification under this act.

13 (b) The law enforcement officer is deputized by the sheriff or  
14 sheriffs of the county or counties in which the land of the  
15 multicounty metropolitan district employing the law enforcement  
16 officer is located and in which the law enforcement officer will  
17 work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

18 (c) The deputation or appointment of the law enforcement  
19 officer is made pursuant to a written agreement that includes terms  
20 the deputizing authority under subdivision (b) may require between  
21 the state or local law enforcement agency and the governing board  
22 of the multicounty metropolitan district employing the law  
23 enforcement officer.

24 (d) The written agreement described in subdivision (c) is  
25 filed with the commission.

26 (9) A public body that creates a law enforcement agency under  
27 the public body law enforcement agency act and that employs 1 or

1 more law enforcement officers certified under this act shall be  
2 considered to be a law enforcement agency for purposes of section  
3 9d.

4 (10) The commission may establish an evaluation or testing  
5 process, or both, for granting a waiver from the law enforcement  
6 officer minimum standards regarding training requirements to a  
7 person who has held a certificate under this act and who  
8 discontinues employment as a law enforcement officer for a period  
9 of time exceeding the time prescribed in subsection (2)(a) to (c)  
10 or (6), as applicable.