

HOUSE BILL No. 6567

November 17, 2010, Introduced by Reps. Espinoza and Mayes and referred to the Committee on Military and Veterans Affairs and Homeland Security.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The commission shall promulgate rules to establish
2 law enforcement officer minimum standards. The rules do not apply
3 to a member of a sheriff's posse or a police auxiliary temporarily
4 performing his or her duty under the direction of the sheriff or
5 police department. In promulgating the law enforcement officer
6 minimum standards, the commission shall give consideration to the
7 varying factors and special requirements of local police agencies.
8 The law enforcement officer minimum standards shall include all of

1 the following:

2 (a) Minimum standards of physical, educational, mental, and
3 moral fitness that govern the recruitment, selection, appointment,
4 and certification of law enforcement officers. **IF THE COMMISSION**
5 **REQUIRES THE SUCCESSFUL COMPLETION OF A CERTAIN NUMBER OF YEARS OF**
6 **COLLEGE-LEVEL COURSES, OTHER THAN INSTRUCTIONAL HOURS AT POLICE**
7 **TRAINING SCHOOLS, AS A MINIMUM EDUCATIONAL STANDARD UNDER THIS**
8 **SUBDIVISION, THE COMMISSION SHALL ACCEPT AN INDIVIDUAL'S YEARS OF**
9 **SERVICE IN THE ARMED FORCES OF THE UNITED STATES AS THE EQUIVALENT**
10 **OF COLLEGE-LEVEL EDUCATION FOR PURPOSES OF MEETING THAT**
11 **REQUIREMENT.**

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

14 (c) Minimum basic training requirements that a person,
15 excluding sheriffs, shall complete before being eligible for
16 certification under section 9a(1).

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

21 (a) The person has been employed 1 year or less as a
22 commission certified law enforcement officer and is again employed
23 as a law enforcement officer within 1 year after discontinuing
24 employment as a commission certified law enforcement officer.

25 (b) The person has been employed more than 1 year but less
26 than 5 years as a commission certified law enforcement officer and
27 is again employed as a law enforcement officer within 18 months

1 after discontinuing employment as a commission certified law
2 enforcement officer.

3 (c) The person has been employed 5 years or more as a
4 commission certified law enforcement officer and is again employed
5 as a law enforcement officer within 2 years after discontinuing
6 employment as a commission certified law enforcement officer.

7 (d) The person has successfully completed the mandatory
8 training and has been continuously employed as a law enforcement
9 officer, but through no fault of that person the employing agency
10 failed to obtain certification for that person as required by this
11 act.

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

1 voluntarily extends a term of active military service that began
2 when he or she was called to active duty. This subsection does not
3 apply to a commission certified law enforcement officer who is
4 dishonorably discharged from a term of active military service.

5 (4) The commission shall promulgate rules with respect to all
6 of the following:

7 (a) The categories or classifications of advanced in-service
8 training programs for commission certified law enforcement officers
9 and minimum courses of study and attendance requirements for the
10 categories or classifications.

11 (b) The establishment of subordinate regional training centers
12 in strategic geographic locations in order to serve the greatest
13 number of police agencies that are unable to support their own
14 training programs.

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

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

22 (e) The minimum qualifications for instructors at approved
23 police training schools.

24 (f) The minimum facilities and equipment required at approved
25 police training schools.

26 (g) The establishment of preservice basic training programs at
27 colleges and universities.

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

5 (i) The person successfully completed the basic police training
6 in another state or through a federally operated police training
7 school that was sufficient to fulfill the minimum standards
8 required by federal law to be appointed as a law enforcement
9 officer of a Michigan Indian tribal police force.

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

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

19 (6) A law enforcement officer employed before January 1, 1977
20 may continue his or her employment as a law enforcement officer and
21 participate in training programs on a voluntary or assigned basis
22 but failure to obtain certification under section 9a(1) or (2) is
23 not grounds for dismissal of or termination of that employment as a
24 law enforcement officer. A person who was employed as a law
25 enforcement officer before January 1, 1977 who fails to obtain
26 certification under section 9a(1) and who voluntarily or
27 involuntarily discontinues his or her employment as a law

1 enforcement officer may be employed as a law enforcement officer if
2 he or she was employed 5 years or more as a law enforcement officer
3 and is again employed as a law enforcement officer within 2 years
4 after discontinuing employment as a law enforcement officer.

5 (7) A law enforcement officer of a Michigan Indian tribal
6 police force 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 tribal law enforcement officer is certified under this
12 act.

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

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

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

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

1 (d) The written contract described in subdivision (c) is
2 incorporated into a self-determination contract, grant agreement,
3 or cooperative agreement between the United States secretary of the
4 interior and the tribal government of the Michigan Indian tribe
5 employing the tribal law enforcement officer pursuant to the Indian
6 self-determination and education assistance act, Public Law 93-638,
7 88 Stat. 2203.

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

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

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

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

1 enforcement officer.

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

4 (9) A public body that creates a law enforcement agency under
5 the public body law enforcement agency act and that employs 1 or
6 more law enforcement officers certified under this act shall be
7 considered to be a law enforcement agency for purposes of section
8 9d.

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