

HOUSE BILL No. 5423

February 21, 2012, Introduced by Reps. Stallworth, Rutledge, Hovey-Wright, Howze, Womack, Irwin, Liss, Durhal, Santana, Dillon, Brunner, Stapleton, McCann, Haugh, Stanley, Ananich, Hobbs, Rogers, Shaughnessy, O'Brien, Poleski, Yonker and Talabi and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

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

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

1 authorized under this act to be employed as a law enforcement
2 officer.

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

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

9 (d) "Contested case" means that term as defined in section 3
10 of the administrative procedures act of 1969, 1969 PA 306, MCL
11 24.203.

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

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

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

17 (ii) Expressly designated a felony by statute.

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

20 (h) "Law enforcement officer minimum standards" means
21 standards established by the commission under this act that a
22 person must meet to be eligible for certification under section
23 9a(1).

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

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

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

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

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

17 (ii) A law enforcement officer of a Michigan Indian tribal
18 police force, subject to the limitations set forth in section
19 ~~9(3)-(9)~~.

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

25 (iv) A law enforcement officer of a multicounty metropolitan
26 district, subject to the limitations of section ~~9(7)-9(8)~~.

27 (v) A county prosecuting attorney's investigator sworn and

1 fully empowered by the sheriff of that county.

2 ~~—— (vi) Until December 31, 2007, a law enforcement officer of a~~
3 ~~school district in this state that has a membership of at least~~
4 ~~20,000 pupils and that includes in its territory a city with a~~
5 ~~population of at least 180,000 as of the most recent federal~~
6 ~~decennial census.~~

7 (vi) ~~(vii)~~ A fire arson investigator from a fire department
8 within a city with a population of not less than ~~750,000~~ **600,000**
9 who is sworn and fully empowered by the city chief of police.

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