

SENATE BILL No. 412

June 4, 2013, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1982 PA 302, entitled

"An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules,"

by amending sections 1, 2, 3, 4, 5, 6, and 8 (MCL 18.421, 18.422, 18.423, 18.424, 18.425, 18.426, and 18.428), sections 1, 2, 3, 4, 5, and 6 as amended by 1989 PA 158, and by adding section 7; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

~~(a) "Alcoholic liquor" means that term as defined in section 2 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.~~

1 ~~—— (b) "Eligible entity" means a city, village, township, county,~~
2 ~~junior college, community college, state supported college or~~
3 ~~university, or the department of state police.~~

4 ~~—— (c) "Fund" means the Michigan justice training fund created in~~
5 ~~section 5.~~

6 ~~—— (d) "In-service criminal justice training" means a criminal~~
7 ~~justice educational program presented by an agency or entity~~
8 ~~eligible to receive funds pursuant to this act or by a contractual~~
9 ~~service provider hired by the agency or entity eligible to receive~~
10 ~~funds pursuant to this act, including a course or package of~~
11 ~~instruction provided to an eligible trainee for the payment of a~~
12 ~~fee or tuition, or education or training presented through the use~~
13 ~~of audio-visual materials, which program, education, or training is~~
14 ~~designed and intended to enhance the direct delivery of criminal~~
15 ~~justice services by eligible employees of the agency or entity.~~

16 ~~—— (e) "MLEOTC certified police officer" means an individual~~
17 ~~certified as a police officer under the Michigan law enforcement~~
18 ~~officers training council act of 1965, Act No. 203 of the Public~~
19 ~~Acts of 1965, being sections 28.601 to 28.616 of the Michigan~~
20 ~~Compiled Laws.~~

21 ~~—— (f) "Professional association" means a national, state, or~~
22 ~~local police union, or an association or fraternal organization of~~
23 ~~police officers, correctional officers, or prosecuting attorneys.~~

24 ~~—— (g) "State or local agency" means any of the following:~~

25 ~~—— (i) An agency, department, division, bureau, board, commission,~~
26 ~~council, or authority of the state or of a city, village, township,~~
27 ~~or county.~~

- 1 ~~(ii) A state supported college or university.~~
2 ~~(iii) A community college or junior college.~~
3 ~~(iv) Any agency or entity of the judicial branch of government~~
4 ~~of this state.~~

5 (A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION
6 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
7 436.1105.

8 (B) "COMMISSION" MEANS THE MICHIGAN COMMISSION ON LAW
9 ENFORCEMENT STANDARDS CREATED IN SECTION 3 OF THE MICHIGAN
10 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
11 28.603.

12 (C) "CRIMINAL JUSTICE IN-SERVICE TRAINING" MEANS A CRIMINAL
13 JUSTICE PROGRAM THAT INCLUDES EDUCATION OR TRAINING DESIGNED AND
14 INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL JUSTICE
15 SERVICES BY ELIGIBLE TRAINING PARTICIPANTS.

16 (D) "GRANT FUNDS" MEANS FUNDS PAID TO GRANT RECIPIENTS FROM
17 THE MICHIGAN JUSTICE TRAINING FUND AS PROVIDED IN THIS ACT.

18 (E) "GRANT RECIPIENT" MEANS AN ENTITY ELIGIBLE TO RECEIVE
19 GRANTS FROM THE MICHIGAN JUSTICE TRAINING FUND, INCLUDING ANY OF
20 THE FOLLOWING:

21 (i) AN AGENCY, DEPARTMENT, DIVISION, BUREAU, BOARD, COMMISSION,
22 COUNCIL, OR AUTHORITY OF THIS STATE OR OF A CITY, VILLAGE,
23 TOWNSHIP, OR COUNTY.

24 (ii) A STATE-SUPPORTED COLLEGE OR UNIVERSITY.

25 (iii) A COMMUNITY COLLEGE.

26 (iv) ANY AGENCY OR ENTITY OF THE JUDICIAL BRANCH OF GOVERNMENT
27 OF THIS STATE.

1 (v) A CONSORTIUM OR OTHER JOINT VENTURE COMPOSED OF OR ENTERED
2 INTO BY AN ENTITY DESCRIBED IN SUBPARAGRAPHS (i) TO (iv).

3 (F) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS
4 ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS
5 STATE AND THAT IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT
6 OR EMPLOY LAW ENFORCEMENT OFFICERS.

7 (G) "LAW ENFORCEMENT DISTRIBUTION" MEANS FUNDS PAID TO LAW
8 ENFORCEMENT AGENCIES ANNUALLY IN 2 SEMIANNUAL INSTALLMENTS AS
9 PROVIDED IN THIS ACT.

10 (H) "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL LICENSED
11 UNDER SECTION 9A OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT
12 STANDARDS ACT, 1965 PA 203, MCL 28.609A.

13 (I) "PROFESSIONAL ASSOCIATION" MEANS A NATIONAL, STATE, OR
14 LOCAL POLICE UNION, OR AN ASSOCIATION OR FRATERNAL ORGANIZATION OF
15 POLICE OFFICERS, CORRECTIONAL OFFICERS, OR PROSECUTING ATTORNEYS.

16 ~~Sec. 2. (1) The Michigan justice training commission is~~
17 ~~created within the department of management and budget. The~~
18 ~~commission shall consist of the following members:~~

19 ~~—— (a) The director of the department of state police or his or~~
20 ~~her representative.~~

21 ~~—— (b) The president of the prosecuting attorneys' association of~~
22 ~~Michigan or his or her representative.~~

23 ~~—— (c) The president of the Michigan sheriffs' association or his~~
24 ~~or her representative.~~

25 ~~—— (d) The president of the Michigan association of chiefs of~~
26 ~~police or his or her representative.~~

27 ~~—— (e) One person appointed by the governor who is employed by a~~

1 ~~police agency employing at least 20% of the police officers in this~~
2 ~~state.~~

3 ~~—— (f) The president of the Michigan state police troopers~~
4 ~~association or his or her representative.~~

5 ~~—— (g) One person appointed by the governor who has been elected~~
6 ~~by police officers other than police officers in administrative or~~
7 ~~managerial positions, representing the interests of police officers~~
8 ~~other than police officers in administrative or managerial~~
9 ~~positions.~~

10 ~~—— (h) The president of the criminal defense attorneys of~~
11 ~~Michigan or his or her representative.~~

12 ~~—— (2) The commission shall elect a chairperson annually from~~
13 ~~among the members of the commission. A person shall not serve more~~
14 ~~than 2 consecutive years as chairperson.~~

15 ~~—— (3) The members of the commission shall be reimbursed for~~
16 ~~actual expenses, including travel expenses, from the fund. Members~~
17 ~~of the commission shall not be reimbursed for expenditures for~~
18 ~~alcoholic liquor, or for meal expenditures in excess of the per~~
19 ~~diem meal expenditures authorized for members of the state civil~~
20 ~~service.~~

21 ~~—— (4) The business which the commission may perform shall be~~
22 ~~conducted at a public meeting of the commission held in compliance~~
23 ~~with the open meetings act, Act No. 267 of the Public Acts of 1976,~~
24 ~~as amended, being sections 15.261 to 15.275 of the Michigan~~
25 ~~Compiled Laws. Public notice of the time, date, and place of the~~
26 ~~meeting shall be given in the manner required by Act No. 267 of the~~
27 ~~Public Acts of 1976, as amended.~~

1 ~~_____ (5) The commission shall not perform any function authorized~~
2 ~~under section 3 without the affirmative votes of 5 members of the~~
3 ~~commission.~~ (1) THE MICHIGAN JUSTICE TRAINING FUND IS CREATED IN THE
4 STATE TREASURY.

5 (2) THE MICHIGAN JUSTICE TRAINING FUND SHALL ONLY BE USED AS
6 PROVIDED UNDER THIS ACT.

7 (3) FUNDS FROM LAW ENFORCEMENT DISTRIBUTIONS THAT ARE REQUIRED
8 TO BE RETURNED TO THE MICHIGAN JUSTICE TRAINING FUND AS PROVIDED IN
9 THIS ACT SHALL BE DEPOSITED INTO THE MICHIGAN JUSTICE TRAINING FUND
10 AND SHALL ONLY BE USED FOR LAW ENFORCEMENT DISTRIBUTIONS.

11 (4) FUNDS DISTRIBUTED AS GRANT AWARDS THAT ARE REQUIRED TO BE
12 RETURNED TO THE MICHIGAN JUSTICE TRAINING FUND AS REQUIRED IN THIS
13 ACT SHALL BE DEPOSITED INTO THE MICHIGAN JUSTICE TRAINING FUND AND
14 SHALL ONLY BE USED FOR GRANT AWARDS.

15 (5) INVESTMENT EARNINGS FROM THE MICHIGAN JUSTICE TRAINING
16 FUND ASSETS SHALL BE DEPOSITED IN THE MICHIGAN JUSTICE TRAINING
17 FUND.

18 Sec. 3. ~~The commission shall do all of the following, with the~~
19 ~~assistance of the department of management and budget:~~

20 ~~_____ (a) Annually distribute 60% of the fund to eligible entities~~
21 ~~not including the money in the fund pursuant to section 5(2). An~~
22 ~~eligible entity receiving a distribution under this subdivision~~
23 ~~shall expend the distribution only for the in service criminal~~
24 ~~justice training of its police officers. An eligible entity that~~
25 ~~uses money received under this subdivision shall maintain detailed~~
26 ~~records of the actual costs associated with the preparation for,~~
27 ~~the administration of, and the actual conducting of the training~~

~~1 program. Use of money received under this subdivision for the
2 payment of unreasonable or duplicative costs, as determined by the
3 commission, shall result in the forfeiture of the money received by
4 the eligible entity under this subdivision. Money distributed to an
5 eligible entity which is not expended in the fiscal year of the
6 distribution shall only be expended by the eligible entity for the
7 in-service criminal justice training of its police officers in
8 future fiscal years. An eligible entity receiving a distribution
9 pursuant to this subdivision shall use the entire distribution for
10 the in-service criminal justice training of its police officers
11 within 2 years after receiving the distribution. If the eligible
12 entity fails or refuses to use the entire distribution for the in-
13 service criminal justice training of its police officers within 2
14 years after receiving the distribution, the eligible entity shall
15 not be eligible to receive additional distributions pursuant to
16 this subdivision until the prior distribution is used for the in-
17 service criminal justice training of its police officers. A
18 distribution made under this subdivision shall serve as a
19 supplement to, and not as a replacement for, the funds budgeted on
20 October 12, 1982, by an eligible entity for the in-service criminal
21 justice training of its police officers. The distribution shall be
22 made in 2 semiannual installments on dates determined by the
23 commission and shall be expended only for the direct costs of the
24 in-service criminal justice training of police officers. The funds
25 shall be distributed on a per capita basis to eligible entities
26 based upon the number of full-time equated sworn MLEOTC-certified
27 police officers employed. Each eligible entity shall receive a~~

~~1 minimum distribution of \$500.00. For purposes of this subdivision,
2 the number of full time equated sworn MLEOTC certified police
3 officers shall be determined by dividing the total number of paid
4 work hours actually worked by sworn MLEOTC certified police
5 officers in the eligible entity's fiscal year by 2,080 hours,
6 rounded down to the nearest whole number. For each year, the
7 percentage of police officers who provide direct police service
8 receiving training under this act shall be equal to or greater than
9 the percentage of police officers who are in full-time
10 administrative positions receiving training under this act.~~

~~11 ——— (b) Annually distribute through a competitive grant process
12 the balance of the fund after making the distributions required in
13 subdivisions (a) and (d) and the expenditures required under
14 section 2(3). In distributing money from the fund, the commission
15 shall consider the quality and cost effectiveness of the training
16 programs of applicants for funds and the criminal justice needs of
17 this state. Money shall not be distributed under this subdivision
18 to a professional association. In distributing money from the fund,
19 the commission shall attempt to provide equity in funding for
20 training programs for prosecutors and assigned criminal defense
21 counsel. A state or local agency that uses money received under
22 this subdivision shall maintain detailed records of the actual
23 costs associated with the preparation for, the administration of,
24 and the actual conducting of the training program. Use of money
25 received under this subdivision for the payment of unreasonable or
26 duplicative costs, as determined by the auditor general or the
27 commission, shall result in the forfeiture of the money received by~~

1 ~~the state or local agency under this subdivision. Grants under this~~
2 ~~subdivision shall be distributed only to the following:~~

3 ~~—— (i) State or local agencies for the purpose of providing in-~~
4 ~~service criminal justice training programs to employees of those~~
5 ~~state or local agencies. A distribution made under this~~
6 ~~subparagraph shall serve as a supplement to, and not as a~~
7 ~~replacement for, the funds budgeted on October 12, 1982, by a state~~
8 ~~or local agency for in service criminal justice training.~~

9 ~~—— (ii) State or local agencies providing criminal justice~~
10 ~~training to the employees or the contractual service providers of~~
11 ~~other state or local agencies. A distribution made under this~~
12 ~~subparagraph shall be used to enhance and increase, but not~~
13 ~~supplant, the amount of local, federal, and other state funds that,~~
14 ~~in the absence of money from the Michigan justice training fund,~~
15 ~~are available for criminal justice training. As used in this~~
16 ~~subparagraph, "criminal justice training" means training which is~~
17 ~~designed and intended to enhance the direct delivery of criminal~~
18 ~~justice services by employees of state or local agencies; which is~~
19 ~~not required minimum basic training for police officers or initial~~
20 ~~training for other employees; and which is any of the following:~~

21 ~~—— (A) A criminal justice educational program presented by the~~
22 ~~state or local agency or by a contractual training provider hired~~
23 ~~by the agency.~~

24 ~~—— (B) A criminal justice course or package of instruction~~
25 ~~provided to an eligible trainee for the payment of a fee or~~
26 ~~tuition.~~

27 ~~—— (C) Self education presented through the use of audio visual~~

1 materials.

2 ~~—— (c) Promulgate rules pursuant to the administrative procedures~~
3 ~~act of 1969, Act No. 306 of the Public Acts of 1969, as amended,~~
4 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws,~~
5 ~~which prescribe the procedures by which the commission shall~~
6 ~~distribute money from the fund.~~

7 ~~—— (d) Annually distribute an amount from the fund to the~~
8 ~~department of management and budget to cover the reasonable~~
9 ~~expenses of providing staff services to the commission, and to~~
10 ~~cover the expense of maintaining a register of available criminal~~
11 ~~justice training programs in this state.~~ THE COMMISSION SHALL PAY
12 LAW ENFORCEMENT DISTRIBUTIONS, AND LAW ENFORCEMENT AGENCIES SHALL
13 EXPEND AND RETURN LAW ENFORCEMENT DISTRIBUTIONS, AS FOLLOWS:

14 (A) THE COMMISSION SHALL ANNUALLY DISTRIBUTE 60% OF THE
15 MICHIGAN JUSTICE TRAINING FUND, IN 2 SEMIANNUAL INSTALLMENTS, ON
16 DATES DETERMINED BY THE COMMISSION.

17 (B) IN CALCULATING THE LAW ENFORCEMENT DISTRIBUTION, THE
18 COMMISSION SHALL INCLUDE UNDISTRIBUTED PORTIONS OF THE MICHIGAN
19 JUSTICE TRAINING FUND AND FUNDS THAT HAVE BEEN RETURNED TO THE
20 MICHIGAN JUSTICE TRAINING FUND, AS PROVIDED IN SUBDIVISION (M).

21 (C) THE AMOUNT OF AVAILABLE FUNDS SHALL BE BASED ON FUND
22 BALANCES DETERMINED AS OF MARCH 31 AND SEPTEMBER 30 OF EACH YEAR.

23 (D) LAW ENFORCEMENT DISTRIBUTIONS SHALL BE PAID ON A PER
24 CAPITA BASIS CALCULATED AS FOLLOWS:

25 (i) THE COMMISSION SHALL CONDUCT AN ANNUAL REGISTRATION OF LAW
26 ENFORCEMENT OFFICERS TO VERIFY THE NUMBER OF HOURS ACTUALLY
27 COMPENSATED BY THE JURISDICTION, NOT TO EXCEED 2,080 HOURS PER

1 YEAR, FOR EACH FULL-TIME AND PART-TIME LAW ENFORCEMENT OFFICER
2 DURING THE MOST RECENT ELAPSED CALENDAR YEAR.

3 (ii) THE PER CAPITA BASIS SHALL BE DETERMINED BY DIVIDING THE
4 TOTAL NUMBER OF HOURS ACTUALLY COMPENSATED BY THE JURISDICTION BY
5 2,080, ROUNDED DOWN TO THE NEAREST WHOLE NUMBER.

6 (iii) EACH ELIGIBLE LAW ENFORCEMENT AGENCY SHALL RECEIVE A
7 MINIMUM ANNUAL DISTRIBUTION OF \$500.00.

8 (E) THE COMMISSION SHALL PAY A LAW ENFORCEMENT DISTRIBUTION TO
9 THE UNIT OF GOVERNMENT OR OTHER EMPLOYING OR APPOINTING ENTITY WITH
10 WHICH A LAW ENFORCEMENT AGENCY IS AFFILIATED FOR THE BENEFIT OF
11 THAT LAW ENFORCEMENT AGENCY.

12 (F) A LAW ENFORCEMENT AGENCY RECEIVING A LAW ENFORCEMENT
13 DISTRIBUTION SHALL EXPEND THAT DISTRIBUTION ONLY AS FOLLOWS:

14 (i) TRAVEL COSTS AS PROVIDED IN THIS SECTION.

15 (ii) TRAINING THAT IS DESIGNED AND INTENDED TO ENHANCE THE
16 DIRECT DELIVERY OF CRIMINAL JUSTICE SERVICES BY LAW ENFORCEMENT
17 OFFICERS.

18 (iii) DIRECT COSTS, INCLUDING ALL OF THE FOLLOWING:

19 (A) REGULAR HOURLY PERSONNEL RATE FOR SALARIES OF INSTRUCTORS
20 FOR ACTUAL TIME SPENT DEVELOPING, PREPARING, AND DELIVERING
21 TRAINING.

22 (B) ACTUAL COST OF TRAINING MATERIALS NECESSARY TO, AND USED
23 FOR, THE DIRECT DELIVERY OF TRAINING.

24 (C) REASONABLE RENTAL COST OR PURCHASE PRICE OF EQUIPMENT
25 ITEMS NECESSARY TO AND USED SOLELY FOR THE DIRECT DELIVERY OF
26 TRAINING. A LAW ENFORCEMENT AGENCY SHALL NOT MAKE AN EQUIPMENT
27 PURCHASE THAT EXCEEDS \$5,000.00 OR 10% OF ITS ANNUAL DISTRIBUTION

1 WITHOUT PRIOR WRITTEN APPROVAL OF THE COMMISSION.

2 (D) RENTAL OF TRAINING FACILITIES, ONLY IF ADEQUATE FACILITIES
3 OWNED OR OPERATED BY THE LAW ENFORCEMENT AGENCY ARE NOT AVAILABLE.

4 (E) A FLAT RATE, TUITION, OR SUBSCRIPTION PAID TO A TRAINING
5 PROVIDER, OTHER THAN THE LAW ENFORCEMENT AGENCY, FOR THE DELIVERY
6 OF CRIMINAL JUSTICE TRAINING AS PROVIDED UNDER THIS ACT.

7 (G) A LAW ENFORCEMENT AGENCY MAY ONLY EXPEND FUNDS FROM A LAW
8 ENFORCEMENT DISTRIBUTION FOR TRAVEL COSTS INCURRED TO PARTICIPATE
9 IN A CRIMINAL JUSTICE TRAINING PROGRAM, EXCLUDING OUT-OF-STATE
10 STUDENT TRAVEL REIMBURSEMENT, AS FOLLOWS:

11 (i) IF THE PROGRAM OFFERS TRAINING FOR WHICH EXPENDITURES OF
12 LAW ENFORCEMENT DISTRIBUTIONS ARE AUTHORIZED UNDER THIS ACT AND
13 THAT TRAINING IS CONDUCTED FOR NOT LESS THAN 6 HOURS WITHIN ANY 24-
14 HOUR PERIOD.

15 (ii) FOR TUITION COSTS FOR IN-STATE AND OUT-OF-STATE TRAINING,
16 IF THE TRAINING COURSE IS REGISTERED THROUGH THE MCOLES INFORMATION
17 AND TRACKING NETWORK BEFORE THE DATES ON WHICH THE TRAINING IS
18 CONDUCTED.

19 (iii) FOR REGISTRATION COSTS FOR OUT-OF-STATE CONFERENCES AND
20 CONVENTIONS, IF THE LAW ENFORCEMENT AGENCY SUBMITS A SPECIAL USE
21 REQUEST TO THE COMMISSION AND THE COMMISSION APPROVES THE
22 EXPENDITURE PRIOR TO ATTENDANCE.

23 (iv) FOR INSTRUCTOR TRAVEL REIMBURSEMENT. FOR PURPOSES OF THIS
24 PROVISION, APPLICABLE REIMBURSEMENT RATES ARE THOSE PUBLISHED BY
25 THE MICHIGAN DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET, OR
26 ITS SUCCESSOR AGENCY, AND ARE SUBJECT TO CHANGE AT ANY TIME DURING
27 A FUNDING PERIOD.

1 (v) FOR IN-STATE TRAINING PARTICIPANT TRAVEL REIMBURSEMENT, IF
2 THE TRAINING COURSE IS REGISTERED THROUGH THE MCOLES INFORMATION
3 AND TRACKING NETWORK BEFORE THE DATES ON WHICH THE TRAINING IS
4 CONDUCTED. FOR PURPOSES OF THIS RESTRICTION, APPLICABLE
5 REIMBURSEMENT RATES ARE THOSE PUBLISHED BY THE MICHIGAN DEPARTMENT
6 OF TECHNOLOGY, MANAGEMENT, AND BUDGET, OR ITS SUCCESSOR AGENCY, AND
7 ARE SUBJECT TO CHANGE AT ANY TIME DURING A FUNDING PERIOD.

8 (H) A LAW ENFORCEMENT AGENCY MAY ONLY EXPEND FUNDS FROM A LAW
9 ENFORCEMENT DISTRIBUTION FOR OUT-OF-STATE TRAINING PARTICIPANT
10 TRAVEL REIMBURSEMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

11 (i) THE TRAVEL IS FOR THE PURPOSE OF PARTICIPATING IN A
12 LEARNING EXPERIENCE PRODUCED THROUGH READING, LISTENING, OBSERVING,
13 PROBLEM-SOLVING, OR INTERACTING WITH OTHERS, THE OBJECT OF WHICH IS
14 THE INTRODUCTION OR ENHANCEMENT OF KNOWLEDGE, SKILLS, AND JUDGMENT
15 DIRECTLY RELATED TO THE PERFORMANCE OF PROFESSIONAL CRIMINAL
16 JUSTICE TASKS CURRENTLY ASSIGNED OR ASSIGNABLE.

17 (ii) THE TRAVEL IS REQUIRED TO OBTAIN OR MAINTAIN SKILLS OR
18 CERTIFICATION IN A FIELD OF SPECIALIZATION RELATED TO THE EXECUTION
19 OF THE DUTIES OF LAW ENFORCEMENT OFFICERS PROVIDED TO THE GENERAL
20 PUBLIC OR RELATED TO THE EXECUTION OF ADMINISTRATIVE DUTIES THAT
21 ENHANCE THE ABILITY OF LAW ENFORCEMENT OFFICERS TO PERFORM DUTIES
22 PROVIDED TO THE GENERAL PUBLIC.

23 (iii) THE CERTIFICATION IN A FIELD OF SPECIALIZATION IS NOT
24 AVAILABLE IN MICHIGAN.

25 (iv) THE COURSE CANNOT BE CONDUCTED IN MICHIGAN.

26 (v) THE COURSE IS APPROVED BY THE COMMISSION AND REGISTERED
27 THROUGH THE MCOLES INFORMATION AND TRACKING NETWORK PRIOR TO THE

1 DATES ON WHICH THE TRAINING IS CONDUCTED.

2 (I) A LAW ENFORCEMENT AGENCY RECEIVING A LAW ENFORCEMENT
3 DISTRIBUTION SHALL NOT EXPEND IT FOR EITHER OF THE FOLLOWING:

4 (i) TRAINING INDIVIDUALS WHO ARE NOT LAW ENFORCEMENT OFFICERS.

5 (ii) TRAVEL EXPENDITURES IN EXCESS OF OR IN VIOLATION OF THE
6 EXPENDITURE RATES AUTHORIZED FOR MEMBERS OF THE STATE CLASSIFIED
7 CIVIL SERVICE. FOR PURPOSES OF THIS RESTRICTION, APPLICABLE
8 REIMBURSEMENT RATES ARE THOSE PUBLISHED BY THE MICHIGAN DEPARTMENT
9 OF TECHNOLOGY, MANAGEMENT, AND BUDGET, OR ITS SUCCESSOR AGENCY, AND
10 ARE SUBJECT TO CHANGE AT ANY TIME DURING A FUNDING PERIOD.

11 (J) A LAW ENFORCEMENT AGENCY THAT RECEIVES A LAW ENFORCEMENT
12 DISTRIBUTION SHALL MAINTAIN RECORDS OF LAW ENFORCEMENT DISTRIBUTION
13 REVENUES AND EXPENDITURES SEPARATE FROM OTHER FUNDING SOURCES.

14 (K) IF THE COMMISSION DETERMINES THAT A LAW ENFORCEMENT AGENCY
15 HAS EXPENDED A LAW ENFORCEMENT DISTRIBUTION FOR COSTS NOT ALLOWED
16 UNDER THIS ACT, THE COMMISSION MAY DECLARE THE AGENCY INELIGIBLE TO
17 RECEIVE FURTHER LAW ENFORCEMENT DISTRIBUTIONS FOR A PERIOD TO BE
18 DETERMINED BY THE COMMISSION AND THE FUNDS EXPENDED IN VIOLATION OF
19 THIS ACT SHALL BE RETURNED TO THE MICHIGAN JUSTICE TRAINING FUND.

20 (L) A LAW ENFORCEMENT AGENCY RECEIVING A LAW ENFORCEMENT
21 DISTRIBUTION SHALL EXPEND THE ENTIRE DISTRIBUTION WITHIN 2 YEARS
22 AFTER RECEIVING IT. IF THE LAW ENFORCEMENT AGENCY FAILS TO EXPEND
23 THE ENTIRE DISTRIBUTION WITHIN THAT 2-YEAR PERIOD, THE LAW
24 ENFORCEMENT AGENCY IS NOT ELIGIBLE TO RECEIVE FURTHER LAW
25 ENFORCEMENT DISTRIBUTIONS UNTIL THE ENTIRE DISTRIBUTION IS EXPENDED
26 AND REPORTED AS PRESCRIBED BY THE COMMISSION.

27 (M) BEGINNING WITH THE DISTRIBUTION PERIOD IMMEDIATELY

1 FOLLOWING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
2 SECTION, THE PORTIONS OF ANY LAW ENFORCEMENT DISTRIBUTION THAT HAVE
3 NOT BEEN EXPENDED WITHIN 5 YEARS AFTER THE DATE THEY WERE RECEIVED
4 SHALL BE IMMEDIATELY RETURNED TO THE MICHIGAN JUSTICE TRAINING
5 FUND.

6 (N) A LAW ENFORCEMENT AGENCY THAT IS NO LONGER OPERATING SHALL
7 IMMEDIATELY PROVIDE THE COMMISSION WITH A FINAL ACCOUNTING OF
8 EXPENDITURES OF LAW ENFORCEMENT DISTRIBUTION FUNDS IT HAS RECEIVED
9 FOR ALL YEARS SINCE IT LAST REPORTED AND SHALL RETURN UNEXPENDED
10 LAW ENFORCEMENT DISTRIBUTION FUNDS IN THE MANNER PRESCRIBED BY THE
11 COMMISSION. FUNDS RETURNED AS PROVIDED IN THIS SUBDIVISION SHALL BE
12 SEGREGATED AND SHALL BE USED ONLY FOR LAW ENFORCEMENT
13 DISTRIBUTIONS.

14 (O) A GRANT RECIPIENT THAT IS NO LONGER OPERATING SHALL
15 IMMEDIATELY PROVIDE THE COMMISSION WITH A FINAL ACCOUNTING OF ALL
16 LAW ENFORCEMENT DISTRIBUTION FUNDS PAID TO IT BY LAW ENFORCEMENT
17 AGENCIES FOR THE PURPOSE OF PROVIDING TRAINING, FOR ALL YEARS SINCE
18 IT LAST REPORTED, AND SHALL RETURN LAW ENFORCEMENT DISTRIBUTION
19 FUNDS FOR WHICH IT HAS NOT PROVIDED TRAINING, IN THE MANNER
20 PRESCRIBED BY THE COMMISSION. FUNDS RETURNED AS PROVIDED IN THIS
21 SUBDIVISION SHALL BE SEGREGATED AND USED ONLY FOR LAW ENFORCEMENT
22 DISTRIBUTIONS.

23 ~~Sec. 4. (1) Distributions of money under this act shall not be~~
24 ~~expended for any of the following:~~

25 ~~—— (a) Criminal justice training conducted by a training provider~~
26 ~~not based in this state unless the training event has first been~~
27 ~~approved by the commission.~~

1 ~~—— (b) Criminal justice training not located in this state,~~
2 ~~unless the training event has first been approved by the~~
3 ~~commission.~~

4 ~~—— (c) Criminal justice training in another country.~~

5 ~~—— (d) Meal expenditures in excess of the per diem meal~~
6 ~~expenditures authorized for civil service employees.~~

7 ~~—— (e) Purchasing alcoholic liquor.~~

8 ~~—— (f) Travel costs to participate in criminal justice training,~~
9 ~~unless the criminal justice training program is for the sole~~
10 ~~purpose of training or offers not less than 6 hours of qualifying~~
11 ~~training within any 24 hour period.~~

12 ~~—— (g) The publication of a newsletter.~~

13 ~~—— (2) The commission shall not approve any out of state training~~
14 ~~program unless the eligible entity requesting approval of the~~
15 ~~training program has exhausted all reasonable efforts to locate a~~
16 ~~similar training program in this state, and the commission is~~
17 ~~satisfied that a similar training program is not available in this~~
18 ~~state.~~ **THE COMMISSION MAY DISTRIBUTE GRANT AWARDS, AND GRANT**

19 **RECIPIENTS SHALL EXPEND GRANT FUNDS, AS FOLLOWS:**

20 **(A) THE COMMISSION MAY DISTRIBUTE GRANT AWARDS AFTER MAKING**
21 **THE DISTRIBUTIONS REQUIRED UNDER SECTION 3 AND THE EXPENDITURES**
22 **REQUIRED UNDER SECTION 5.**

23 **(B) THE COMMISSION MAY DISTRIBUTE GRANT AWARDS SUBJECT TO**
24 **WRITTEN CONDITIONS THAT SHALL BE PROVIDED TO GRANT RECIPIENTS**
25 **BEFORE OR AT THE TIME THE AWARDS ARE DISTRIBUTED. A GRANT RECIPIENT**
26 **MAY PETITION THE COMMISSION IN WRITING FOR FORBEARANCE OR OTHER**
27 **RELIEF FROM CONDITIONS IMPOSED BY THE COMMISSION UPON THE**

1 DISTRIBUTION OF GRANT AWARDS.

2 (C) THE COMMISSION MAY DISTRIBUTE GRANT AWARDS ONLY TO GRANT
3 RECIPIENTS AND SHALL NOT DISTRIBUTE GRANT AWARDS TO A PROFESSIONAL
4 ASSOCIATION.

5 (D) A GRANT RECIPIENT SHALL EXPEND GRANT MONEY RECEIVED UNDER
6 THIS ACT ONLY FOR THE FOLLOWING:

7 (i) TRAINING THAT IS DESIGNED AND INTENDED TO ENHANCE THE
8 DIRECT DELIVERY OF CRIMINAL JUSTICE SERVICES BY EMPLOYEES OF THE
9 GRANT RECIPIENT OR BY EMPLOYEES OF ENTITIES THAT ARE ELIGIBLE TO
10 RECEIVE GRANTS UNDER THIS ACT.

11 (ii) TRAINING PRESENTED BY A GRANT RECIPIENT OR BY A
12 CONTRACTUAL SERVICE PROVIDER RETAINED BY A GRANT RECIPIENT.

13 (iii) THE ACTUAL COST OF TRAINING MATERIALS NECESSARY TO, AND
14 USED FOR, THE DIRECT DELIVERY OF TRAINING.

15 (iv) THE REASONABLE RENTAL COST OR PURCHASE PRICE OF EQUIPMENT
16 ITEMS NECESSARY TO, AND USED SOLELY FOR, THE DIRECT DELIVERY OF
17 TRAINING.

18 (v) THE REASONABLE HOURLY SALARIES OF INSTRUCTORS AND
19 DEVELOPERS FOR ACTUAL TIME SPENT DEVELOPING, PREPARING, AND
20 DELIVERING TRAINING.

21 (E) A GRANT RECIPIENT SHALL NOT EXPEND GRANT FUNDS FOR EITHER
22 OF THE FOLLOWING:

23 (i) TRAVEL EXPENDITURES IN EXCESS OF THE EXPENDITURE RATES
24 AUTHORIZED FOR MEMBERS OF THE STATE CLASSIFIED CIVIL SERVICE. FOR
25 PURPOSES OF THIS RESTRICTION, APPLICABLE REIMBURSEMENT RATES ARE
26 THOSE THAT ARE PUBLISHED BY THE DEPARTMENT OF TECHNOLOGY,
27 MANAGEMENT, AND BUDGET AND ARE SUBJECT TO CHANGE AT ANY TIME DURING

1 A FUNDING PERIOD.

2 (ii) TRAVEL COSTS INCURRED TO PARTICIPATE IN A CRIMINAL JUSTICE
3 IN-SERVICE TRAINING PROGRAM, UNLESS THE PROGRAM IS SOLELY FOR
4 TRAINING FOR WHICH THE EXPENDITURE OF GRANT FUNDS IS AUTHORIZED
5 UNDER THIS ACT.

6 (F) A GRANT RECIPIENT SHALL MAINTAIN RECORDS OF GRANT AWARD
7 REVENUES AND EXPENDITURES SEPARATE FROM OTHER FUNDING SOURCES.

8 (G) IF THE COMMISSION DETERMINES THAT A GRANT RECIPIENT HAS
9 EXPENDED GRANT FUNDS FOR THE PAYMENT OF UNREASONABLE COSTS OR COSTS
10 NOT AUTHORIZED UNDER THIS ACT, THE GRANT FUNDS SHALL BE RETURNED TO
11 THE MICHIGAN JUSTICE TRAINING FUND AND MAY ONLY BE USED FOR GRANT
12 AWARDS.

13 (H) GRANT RECIPIENTS SHALL SUBMIT APPLICATIONS FOR GRANT
14 AWARDS TO THE COMMISSION IN THE MANNER PRESCRIBED BY THE
15 COMMISSION. THE COMMISSION SHALL PUBLISH APPLICATION PROCEDURES ON
16 ITS WEBSITE.

17 (I) A GRANT RECIPIENT THAT IS NO LONGER OPERATING SHALL
18 IMMEDIATELY PROVIDE THE COMMISSION WITH A FINAL ACCOUNTING OF ALL
19 EXPENSES INCURRED SINCE THE LAST REPORTING PERIOD FOR WHICH THE
20 RECIPIENT SOUGHT GRANT FUNDING AND SHALL RETURN UNEXPENDED GRANT
21 FUNDS IN THE MANNER PRESCRIBED BY THE COMMISSION. FUNDS RETURNED AS
22 PROVIDED IN THIS SUBDIVISION SHALL BE SEGREGATED AND USED ONLY FOR
23 GRANTS.

24 Sec. 5. ~~(1) The Michigan justice training fund is created in~~
25 ~~the state treasury.~~

26 ~~—— (2) Money in the fund which is not distributed in a fiscal~~
27 ~~year and which was to be distributed under section 3(b) shall~~

1 ~~remain in the fund for distribution in future fiscal years only for~~
2 ~~the purposes described in section 3(b).~~

3 ~~—— (3) Investment earnings from the Michigan justice training~~
4 ~~fund assets shall be deposited in the Michigan justice training~~
5 ~~fund.~~ THE COMMISSION SHALL ANNUALLY EXPEND AN AMOUNT FROM THE

6 MICHIGAN JUSTICE TRAINING FUND TO COVER THE FOLLOWING EXPENSES:

7 (A) THE REASONABLE EXPENSES OF PROVIDING STAFF SERVICES TO THE
8 COMMISSION FOR ADMINISTERING THE MICHIGAN JUSTICE TRAINING FUND AND
9 PERFORMING AND ENFORCING THE STATUTORY REQUIREMENTS OF THIS ACT AND
10 THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA
11 203, MCL 28.601 TO 28.616C.

12 (B) ACTUAL EXPENSES INCURRED BY MEMBERS OF THE COMMISSION,
13 EXCLUDING EXPENDITURES FOR ALCOHOLIC LIQUOR AND INCLUDING TRAVEL
14 EXPENSES. FOR PURPOSES OF THIS RESTRICTION, APPLICABLE
15 REIMBURSEMENT RATES ARE THOSE THAT ARE PUBLISHED BY THE DEPARTMENT
16 OF TECHNOLOGY, MANAGEMENT, AND BUDGET FOR BOARDS AND COMMISSIONS,
17 AND ARE SUBJECT TO CHANGE AT ANY TIME DURING A FUNDING PERIOD.

18 Sec. 6. ~~Each eligible entity and state or local agency~~
19 ~~receiving a distribution under this act shall report annually to~~
20 ~~the commission on the results of its training programs. Each~~
21 ~~training program financed in whole or in part by a distribution~~
22 ~~from the Michigan justice training fund shall be separately~~
23 ~~identified. The commission shall report annually to the~~
24 ~~appropriating committees of the legislature on the results of the~~
25 ~~expenditure of the amount distributed.~~ (1) EACH LAW ENFORCEMENT
26 AGENCY RECEIVING A LAW ENFORCEMENT DISTRIBUTION UNDER THIS ACT AND
27 EACH GRANT RECIPIENT RECEIVING A GRANT AWARD UNDER THIS ACT SHALL

1 REPORT TO THE COMMISSION ON EXPENDITURES OF FUNDS RECEIVED FROM THE
2 MICHIGAN JUSTICE TRAINING FUND, IN A MANNER AND ON INTERVALS TO BE
3 DETERMINED BY THE COMMISSION. EACH TRAINING PROGRAM FINANCED IN
4 WHOLE OR IN PART BY A LAW ENFORCEMENT DISTRIBUTION OR GRANT FROM
5 THE MICHIGAN JUSTICE TRAINING FUND SHALL BE SEPARATELY IDENTIFIED
6 IN THE REPORT.

7 (2) CRIMINAL JUSTICE IN-SERVICE TRAINING COURSES SHALL BE
8 REGISTERED THROUGH THE MCOLES INFORMATION AND TRACKING NETWORK. IF
9 A COURSE IS NOT REGISTERED THROUGH THE MCOLES INFORMATION AND
10 TRACKING NETWORK, LAW ENFORCEMENT DISTRIBUTIONS AND GRANT FUNDS
11 SHALL NOT BE EXPENDED FOR THE COSTS OF THOSE COURSES.

12 (3) LAW ENFORCEMENT AGENCIES AND GRANT RECIPIENTS SHALL REPORT
13 TO THE COMMISSION THE TRAINING PARTICIPANTS WHO ATTENDED EACH
14 TRAINING SESSION FOR WHICH FUNDING WAS PROVIDED IN WHOLE OR IN PART
15 BY THIS ACT, IN A MANNER PRESCRIBED BY THE COMMISSION.

16 (4) IF THE COMMISSION DETERMINES THAT A GRANT RECIPIENT HAS
17 FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, THE
18 COMMISSION MAY DECLARE THE GRANT RECIPIENT INELIGIBLE TO RECEIVE
19 FURTHER GRANT AWARDS FOR A PERIOD TO BE DETERMINED BY THE
20 COMMISSION.

21 SEC. 7. THE BOOKS, RECORDS, AND ACCOUNTS OF THE COMMISSION
22 PERTAINING TO THE MICHIGAN JUSTICE TRAINING FUND MAY BE SUBJECT TO
23 AUDIT BY THE AUDITOR GENERAL EVERY 5 YEARS.

24 ~~Sec. 8. This act shall not take effect unless House Bill No.~~
25 ~~5520 of the 81st Legislature is enacted into law.~~ THE COMMISSION MAY
26 PROMULGATE RULES GOVERNING THE ADMINISTRATION AND USE OF THE
27 MICHIGAN JUSTICE TRAINING FUND.

1 Enacting section 1. Section 9 of 1982 PA 302, MCL 18.429, is
2 repealed.

3 Enacting section 2. This amendatory act does not take effect
4 unless Senate Bill No. 411

5 of the 97th Legislature is enacted into law.