

**SUBSTITUTE FOR
SENATE BILL NO. 524**

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending sections 9, 9b, 9c, 9d, and 11 (MCL 28.609, 28.609b,
28.609c, 28.609d, and 28.611), as amended by 2016 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) This section applies to all law enforcement
2 officers except individuals to whom sections 9a, 9b, 9c, and 9d
3 apply. Employment of law enforcement officers to whom this section
4 applies is subject to the licensing requirements and procedures of
5 this section. **AN INDIVIDUAL WHO SEEKS ADMISSION TO A PRESERVICE**
6 **COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMY OR A REGIONAL BASIC**
7 **LAW ENFORCEMENT TRAINING ACADEMY OR THE RECOGNITION OF PRIOR BASIC**
8 **LAW ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM FOR PURPOSES OF**
9 **LICENSURE UNDER THIS SECTION SHALL SUBMIT TO FINGERPRINTING AS**

1 **PROVIDED IN SECTION 11(3).**

2 (2) The commission shall promulgate rules governing licensing
3 standards and procedures for individuals licensed under this
4 section. In promulgating the rules, the commission shall give
5 consideration to the varying factors and special requirements of
6 law enforcement agencies. Rules promulgated under this subsection
7 shall pertain to the following:

8 (a) Training requirements that may be met by completing either
9 of the following:

10 (i) Preenrollment requirements, courses of study, attendance
11 requirements, and instructional hours at an agency basic law
12 enforcement training academy, a preservice college basic law
13 enforcement training academy, or a regional basic law enforcement
14 training academy.

15 (ii) The recognition of prior basic law enforcement training
16 and experience program for granting a waiver from the licensing
17 standard specified in subparagraph (i).

18 (b) Proficiency on a licensing examination administered after
19 compliance with the licensing standard specified in subdivision

20 (a).

21 (c) Physical ability.

22 (d) Psychological fitness.

23 (e) Education.

24 (f) Reading and writing proficiency.

25 (g) Minimum age.

26 (h) Whether or not a valid operator's or chauffeur's license
27 is required for licensure.

1 (i) Character fitness, as determined by a background
2 investigation supported by a written authorization and release
3 executed by the individual for whom licensure is sought.

4 (j) Whether or not United States citizenship is required for
5 licensure.

6 (k) Employment as a law enforcement officer.

7 (l) The form and manner for execution of a written oath of
8 office by a law enforcement agency with whom the individual is
9 employed, and the content of the written oath conferring authority
10 to act with all of the law enforcement authority described in the
11 laws of this state under which the individual is employed.

12 **(M) THE ABILITY TO BE LICENSED AND EMPLOYED AS A LAW**
13 **ENFORCEMENT OFFICER UNDER THIS SECTION, WITHOUT A RESTRICTION**
14 **OTHERWISE IMPOSED BY LAW.**

15 (3) The licensure process under this section ~~shall comply with~~
16 **MUST FOLLOW** the following procedures:

17 (a) Before executing the oath of office, an employing law
18 enforcement agency verifies that the individual to whom the oath is
19 to be administered complies with licensing standards.

20 (b) A law enforcement agency employing an individual licensed
21 under this section authorizes the individual to exercise the law
22 enforcement authority described in the laws of this state under
23 which the individual is employed, by executing a written oath of
24 office.

25 (c) Not more than 10 calendar days after executing the oath of
26 office, the employing law enforcement agency shall attest in
27 writing to the commission that the individual to whom the oath was

1 administered satisfies the licensing standards by submitting an
2 executed affidavit and a copy of the executed oath of office.

3 (4) If, upon reviewing the executed affidavit and executed
4 oath of office, the commission determines that the individual
5 complies with the licensing standards, the commission shall grant
6 the individual a license.

7 (5) If, upon reviewing the executed affidavit and executed
8 oath of office, the commission determines that the individual does
9 not comply with the licensing standards, the commission may do any
10 of the following:

11 (a) Supervise the remediation of errors or omissions in the
12 affidavit and oath of office.

13 (b) Supervise the remediation of errors or omissions in the
14 screening, procedures, examinations, testing, and other means used
15 to verify compliance with the licensing standards.

16 (c) Supervise additional screening, procedures, examinations,
17 testing, and other means used to determine compliance with the
18 licensing standards.

19 (d) Deny the issuance of a license and inform the employing
20 law enforcement agency.

21 (6) Upon being informed that the commission has denied
22 issuance of a license, the employing law enforcement agency shall
23 promptly inform the individual whose licensure was denied.

24 (7) An individual denied a license under this section shall
25 not exercise the law enforcement authority described in the laws of
26 this state under which the individual is employed. This subsection
27 does not divest the individual of that authority until the

1 individual has been informed that his or her licensure was denied.

2 (8) A law enforcement agency that has administered an oath of
3 office to an individual under this section shall do all of the
4 following, with respect to that individual:

5 (a) Report to the commission all personnel transactions
6 affecting employment status in a manner prescribed in rules
7 promulgated by the commission.

8 (b) Report to the commission concerning any action taken by
9 the employing agency that removes the authority conferred by the
10 oath of office, or that restores the individual's authority to that
11 conferred by the oath of office, in a manner prescribed in rules
12 promulgated by the commission.

13 (c) Maintain an employment history record.

14 (d) Collect, verify, and maintain documentation establishing
15 that the individual complies with the licensing standards.

16 (9) An individual licensed under this section shall report all
17 of the following to the commission:

18 (a) Criminal charges for offenses for which that individual's
19 license may be revoked as described in this section, upon being
20 informed of such charges, in a manner prescribed in rules
21 promulgated by the commission.

22 (b) The imposition of a personal protection order against that
23 individual after a judicial hearing under section 2950 or 2950a of
24 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
25 600.2950a, or under the laws of any other jurisdiction, upon being
26 informed of the imposition of such an order, in a manner prescribed
27 in rules promulgated by the commission.

1 (10) A license issued under this section is rendered inactive,
2 and may be reactivated, as follows:

3 (a) A license is rendered inactive if **1 OR MORE OF THE**
4 **FOLLOWING OCCUR:**

5 (i) An individual, having been employed as a law enforcement
6 officer for fewer than 2,080 hours in aggregate, is thereafter
7 continuously not employed as a law enforcement officer for less
8 than 1 year.

9 (ii) An individual, having been employed as a law enforcement
10 officer for fewer than 2,080 hours in aggregate, is thereafter
11 continuously subjected to a removal of the authority conferred by
12 the oath of office for less than 1 year.

13 (iii) An individual, having been employed as a law enforcement
14 officer for 2,080 hours or longer in aggregate, is thereafter
15 continuously not employed as a law enforcement officer for less
16 than 2 years.

17 (iv) An individual, having been employed as a law enforcement
18 officer for 2,080 hours or longer in aggregate, is continuously
19 subjected to a removal of the authority conferred by the oath of
20 office for less than 2 years.

21 (b) An employing law enforcement agency may reactivate a
22 license rendered inactive by complying with the licensure
23 procedures described in subsection (3), excluding verification of
24 and attestation to compliance with the licensing standards
25 described in subsection (2)(a) to (g).

26 (c) A license that has been reactivated under this section is
27 valid for all purposes described in this act.

1 (11) A license issued under this section is rendered lapsed,
2 without barring further licensure under this act, ~~as follows:~~ **IF 1**
3 **OR MORE OF THE FOLLOWING OCCUR:**

4 (a) An individual, having been employed as a law enforcement
5 officer for fewer than 2,080 hours in aggregate, is thereafter
6 continuously not employed as a law enforcement officer for 1 year.

7 (b) An individual, having been employed as a law enforcement
8 officer for fewer than 2,080 hours in aggregate, is thereafter
9 continuously subjected to a removal of the authority conferred by
10 the oath of office for 1 year.

11 (c) An individual, having been employed as a law enforcement
12 officer for 2,080 hours or longer in aggregate, is thereafter
13 continuously not employed as a law enforcement officer for 2 years.

14 (d) An individual, having been employed as a law enforcement
15 officer for 2,080 hours or longer in aggregate, is continuously
16 subjected to a removal of the authority conferred by the oath of
17 office for 2 years.

18 (12) The commission shall revoke a license granted under this
19 section for any of the following circumstances and shall promulgate
20 rules governing revocations under this subsection:

21 (a) The individual obtained the license by making a materially
22 false oral or written statement or committing fraud in an
23 affidavit, disclosure, or application to a law enforcement training
24 academy, the commission, or a law enforcement agency at any stage
25 of recruitment, selection, appointment, enrollment, training, or
26 licensure application.

27 (b) The individual obtained the license because another

1 individual made a materially false oral or written statement or
2 committed fraud in an affidavit, disclosure, or application to a
3 law enforcement training academy, the commission, or a law
4 enforcement agency at any stage of recruitment, selection,
5 appointment, enrollment, training, or licensure application.

6 (c) The individual has been subjected to an adjudication of
7 guilt for a violation or attempted violation of a penal law of this
8 state or another jurisdiction that is punishable by imprisonment
9 for more than 1 year.

10 (d) The individual has been subjected to an adjudication of
11 guilt for violation or attempted violation of 1 or more of the
12 following penal laws of this state or laws of another jurisdiction
13 substantially corresponding to the penal laws of this state:

14 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949
15 PA 300, MCL 257.625, if the individual has a prior conviction, as
16 that term is defined in section 625(25)(b) of the Michigan vehicle
17 code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the
18 adjudication as described in section 625(9)(b) of the Michigan
19 vehicle code, 1949 PA 300, MCL 257.625.

20 (ii) ~~Sections~~ **SECTION** 7403(2)(c) ~~and~~ **OR** 7404(2)(a), (b), ~~and~~
21 **OR** (c) of the public health code, 1978 PA 368, MCL 333.7403 and
22 333.7404.

23 (iii) ~~Sections~~ **SECTION** 81(4) ~~and~~ **OR** 81a ~~and~~ **OR** a misdemeanor
24 violation of section 411h of the Michigan penal code, 1931 PA 328,
25 MCL 750.81, 750.81a, and 750.411h.

26 (13) The following procedures and requirements apply to
27 license revocation under this section:

1 (a) The commission shall initiate license revocation
2 proceedings, including, but not limited to, the issuance of an
3 order of summary suspension and notice of intent to revoke, upon
4 obtaining notice of facts warranting license revocation.

5 (b) A hearing for license revocation ~~shall~~**MUST** be conducted
6 as a contested case under the administrative procedures act of
7 1969, 1969 PA 306, MCL 24.201 to 24.328.

8 (c) In lieu of participating in a contested case, an
9 individual may voluntarily and permanently relinquish his or her
10 law enforcement officer license by executing before a notary public
11 an affidavit of license relinquishment prescribed by the
12 commission.

13 (d) The commission need not delay or abate license revocation
14 proceedings based on an adjudication of guilt if an appeal is taken
15 from the adjudication of guilt.

16 (e) If the commission issues a final decision or order to
17 revoke a license, that decision or order is subject to judicial
18 review as provided in the administrative procedures act of 1969,
19 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
20 in this section is not a final decision or order for purposes of
21 judicial review.

22 (14) An individual licensed under this section shall not
23 exercise the law enforcement authority described in the laws of
24 this state under which the individual is employed if any of the
25 following occur:

26 (a) The individual's license is rendered void by a court order
27 or other operation of law.

1 (b) The individual's license is revoked.

2 (c) The individual's license is rendered inactive.

3 (d) The individual's license is rendered lapsed.

4 Sec. 9b. (1) This section applies only to individuals who are
5 employed as Michigan tribal law enforcement officers in this state
6 and are subject to a written instrument authorizing them to enforce
7 the laws of this state. Conferring authority to enforce the laws of
8 this state to law enforcement officers to whom this section applies
9 is subject to the licensing requirements and procedures of this
10 section. **AN INDIVIDUAL WHO SEEKS ADMISSION TO A PRESERVICE COLLEGE
11 BASIC LAW ENFORCEMENT TRAINING ACADEMY OR A REGIONAL BASIC LAW
12 ENFORCEMENT TRAINING ACADEMY OR THE RECOGNITION OF PRIOR BASIC LAW
13 ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM FOR PURPOSES OF
14 LICENSURE UNDER THIS SECTION SHALL SUBMIT TO FINGERPRINTING AS
15 PROVIDED IN SECTION 11(3).**

16 (2) The commission shall promulgate rules governing licensing
17 standards and procedures, pertaining to the following:

18 (a) Training requirements that may be met by completing either
19 of the following:

20 (i) Preenrollment requirements, courses of study, attendance
21 requirements, and instructional hours at an agency basic law
22 enforcement training academy, a preservice college basic law
23 enforcement training academy, or a regional basic law enforcement
24 training academy.

25 (ii) The recognition of prior basic law enforcement training
26 and experience program for granting a waiver from the licensing
27 standard specified in subparagraph (i).

1 (b) Proficiency on a licensing examination administered after
2 compliance with the licensing standard specified in subdivision
3 (a).

4 (c) Physical ability.

5 (d) Psychological fitness.

6 (e) Education.

7 (f) Reading and writing proficiency.

8 (g) Minimum age.

9 (h) Whether or not a valid operator's or chauffeur's license
10 is required for licensure.

11 (i) Character fitness, as determined by a background
12 investigation supported by a written authorization and release
13 executed by the individual for whom licensure is sought.

14 (j) Whether or not United States citizenship is required for
15 licensure.

16 (k) Employment as a Michigan tribal law enforcement officer.

17 (l) The form and manner for execution of a written instrument
18 conferring authority upon the individual to enforce the laws of
19 this state, consisting of any of the following:

20 (i) Deputation by a sheriff of this state, conferring
21 authority upon the individual to enforce the laws of this state.

22 (ii) Appointment as a law enforcement officer by a law
23 enforcement agency, conferring authority upon the individual to
24 enforce the laws of this state.

25 (iii) Execution of a written agreement between the Michigan
26 tribal law enforcement agency with whom the individual is employed
27 and a law enforcement agency, conferring authority upon the

1 individual to enforce the laws of this state.

2 (iv) Execution of a written agreement between this state, or a
3 subdivision of this state, and the United States, conferring
4 authority upon the individual to enforce the laws of this state.

5 (M) THE ABILITY TO BE LICENSED AND EMPLOYED AS A LAW
6 ENFORCEMENT OFFICER UNDER THIS SECTION, WITHOUT A RESTRICTION
7 OTHERWISE IMPOSED BY LAW.

8 (3) The licensure process under this section ~~shall comply with~~
9 **MUST FOLLOW** the following procedures:

10 (a) A law enforcement agency or other governmental agency
11 conferring authority upon a Michigan tribal law enforcement officer
12 as provided in this section shall confer the authority to enforce
13 the laws of this state by executing a written instrument as
14 provided in this section.

15 (b) Before executing the written instrument, a law enforcement
16 agency or other governmental agency shall verify that the
17 individual complies with the licensing standards.

18 (c) Not more than 10 calendar days after the effective date of
19 the written instrument, the law enforcement agency or other
20 governmental agency executing the written instrument shall attest
21 in writing to the commission that the individual to whom the
22 authority was conferred satisfies the licensing standards, by
23 submitting an executed affidavit and a copy of the written
24 instrument.

25 (4) If, upon reviewing the executed affidavit and the written
26 instrument, the commission determines that the individual complies
27 with the licensing standards, the commission shall grant the

1 individual a license.

2 (5) If, upon reviewing the executed affidavit and the written
3 instrument, the commission determines that the individual does not
4 comply with the licensing standards, the commission may do any of
5 the following:

6 (a) Supervise the remediation of errors or omissions in the
7 affidavit and oath of office.

8 (b) Supervise the remediation of errors or omissions in the
9 screening, procedures, examinations, testing, and other means used
10 to verify compliance with the licensing standards.

11 (c) Supervise additional screening, procedures, examinations,
12 testing, and other means used to determine compliance with the
13 licensing standards.

14 (d) Deny the issuance of a license and inform the law
15 enforcement agency or other governmental agency conferring
16 authority to enforce the laws of this state upon an individual to
17 whom this section applies.

18 (6) Upon being informed that the commission has denied
19 issuance of a license, a law enforcement agency or other
20 governmental agency conferring authority to enforce the laws of
21 this state upon an individual to whom this section applies shall
22 promptly inform the individual denied.

23 (7) An individual denied a license under this section shall
24 not exercise the law enforcement authority described in a written
25 instrument conferring authority upon the individual to enforce the
26 laws of this state. This subsection does not divest the individual
27 of that authority until the individual has been informed that his

1 or her license was denied.

2 (8) A written instrument conferring authority to enforce the
3 laws of this state upon an individual to whom this section applies
4 ~~shall~~**MUST** include the following:

5 (a) A requirement that the employing Michigan tribal law
6 enforcement agency report to the commission all personnel
7 transactions affecting employment status in a manner prescribed in
8 rules promulgated by the commission.

9 (b) A requirement that the employing Michigan tribal law
10 enforcement agency report to the commission concerning any action
11 it takes that removes the authority conferred by the written
12 instrument conferring authority upon the individual to enforce the
13 laws of this state or that restores the individual's authority to
14 that conferred by the written instrument, in a manner prescribed in
15 rules promulgated by the commission.

16 (c) A requirement that the employing Michigan tribal law
17 enforcement agency maintain an employment history record.

18 (d) A requirement that the employing Michigan tribal law
19 enforcement agency collect, verify, and maintain documentation
20 establishing that the individual complies with the applicable
21 licensing standards.

22 (9) A written instrument conferring authority to enforce the
23 laws of this state upon an individual to whom this section applies
24 ~~shall~~**MUST** include a requirement that the employing Michigan tribal
25 law enforcement agency report the following regarding an individual
26 licensed under this section:

27 (a) Criminal charges for offenses for which that individual's

1 license may be revoked as described in this section, upon being
2 informed of such charges, in a manner prescribed in rules
3 promulgated by the commission.

4 (b) The imposition of a personal protection order against that
5 individual after a judicial hearing under section 2950 or 2950a of
6 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
7 600.2950a, or under the laws of any other jurisdiction, upon being
8 informed of the imposition of such an order, in a manner prescribed
9 in rules promulgated by the commission.

10 (10) A license issued under this section is rendered inactive,
11 and may be reactivated, as follows:

12 (a) A license is rendered inactive if **1 OR MORE OF THE**
13 **FOLLOWING OCCUR:**

14 (i) An individual, having been employed as a law enforcement
15 officer in aggregate for less than 2,080 hours, is thereafter
16 continuously not employed as a law enforcement officer for less
17 than 1 year.

18 (ii) An individual, having been employed as a law enforcement
19 officer in aggregate for less than 2,080 hours, is thereafter
20 continuously subjected to a removal of the authority conferred by
21 the written instrument authorizing the individual to enforce the
22 laws of this state for less than 1 year.

23 (iii) An individual, having been employed as a law enforcement
24 officer in aggregate for 2,080 hours or longer, is thereafter
25 continuously not employed as a law enforcement officer for less
26 than 2 years.

27 (iv) An individual, having been employed as a law enforcement

1 officer in aggregate for 2,080 hours or longer, is continuously
2 subjected to a removal of the authority conferred by the written
3 instrument authorizing the individual to enforce the laws of this
4 state for less than 2 years.

5 (b) A law enforcement agency or other governmental agency
6 conferring authority to enforce the laws of this state upon an
7 individual to whom this section applies may reactivate a license
8 rendered inactive by complying with the licensure procedures
9 described in subsection (3), excluding verification of and
10 attestation to compliance with the licensing standards described in
11 subsection (2)(a) to (g).

12 (c) A license that has been reactivated under this section is
13 valid for all purposes described in this act.

14 (11) A license issued under this section is rendered lapsed,
15 without barring further licensure under this act, ~~as follows:~~ **IF 1**
16 **OR MORE OF THE FOLLOWING OCCUR:**

17 (a) An individual, having been employed as a law enforcement
18 officer in aggregate for less than 2,080 hours, is thereafter
19 continuously not employed as a law enforcement officer for 1 year.

20 (b) An individual, having been employed as a law enforcement
21 officer in aggregate for less than 2,080 hours, is thereafter
22 continuously subjected to a removal of the authority conferred by
23 the written instrument authorizing the individual to enforce the
24 laws of this state for 1 year.

25 (c) An individual, having been employed as a law enforcement
26 officer in aggregate for 2,080 hours or longer, is thereafter
27 continuously not employed as a law enforcement officer for 2 years.

1 (d) An individual, having been employed as a law enforcement
2 officer in aggregate for 2,080 hours or longer, is continuously
3 subjected to a removal of the authority conferred by the written
4 instrument authorizing the individual to enforce the laws of this
5 state for 2 years.

6 (12) The commission shall revoke a license granted under this
7 section for any of the following circumstances and shall promulgate
8 rules governing these revocations under this section:

9 (a) The individual obtained the license by making a materially
10 false oral or written statement or committing fraud in an
11 affidavit, disclosure, or application to a law enforcement training
12 academy, the commission, or a law enforcement agency at any stage
13 of recruitment, selection, appointment, enrollment, training, or
14 licensure application.

15 (b) The individual obtained the license because another
16 individual made a materially false oral or written statement or
17 committed fraud in an affidavit, disclosure, or application to a
18 law enforcement training academy, the commission, or a law
19 enforcement agency at any stage of recruitment, selection,
20 appointment, enrollment, training, or licensure application.

21 (c) The individual has been subjected to an adjudication of
22 guilt for a violation or attempted violation of a penal law of this
23 state or another jurisdiction that is punishable by imprisonment
24 for more than 1 year.

25 (d) The individual has been subjected to an adjudication of
26 guilt for violation or attempted violation of 1 or more of the
27 following penal laws of this state or laws of another jurisdiction

1 substantially corresponding to the penal laws of this state:

2 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949
3 PA 300, MCL 257.625, if the individual has a prior conviction, as
4 that term is defined in section 625(25)(b) of the Michigan vehicle
5 code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the
6 adjudication as described in section 625(9)(b) of the Michigan
7 vehicle code, 1949 PA 300, MCL 257.625.

8 (ii) ~~Sections~~ **SECTION** 7403(2)(c) ~~and OR~~ 7404(2)(a), (b), ~~and~~
9 **OR** (c) of the public health code, 1978 PA 368, MCL 333.7403 and
10 333.7404.

11 (iii) ~~Sections~~ **SECTION** 81(4) ~~and OR~~ 81a ~~and OR~~ a misdemeanor
12 violation of section 411h of the Michigan penal code, 1931 PA 328,
13 MCL 750.81, 750.81a, and 750.411h.

14 (13) The following procedures and requirements apply to
15 license revocation under this section:

16 (a) The commission shall initiate license revocation
17 proceedings, including, but not limited to, the issuance of an
18 order of summary suspension and notice of intent to revoke, upon
19 obtaining notice of facts warranting license revocation.

20 (b) A hearing for license revocation ~~shall~~ **MUST** be conducted
21 as a contested case under the administrative procedures act of
22 1969, 1969 PA 306, MCL 24.201 to 24.328.

23 (c) In lieu of participating in a contested case, an
24 individual may voluntarily and permanently relinquish his or her
25 law enforcement officer license by executing before a notary public
26 an affidavit of license relinquishment prescribed by the
27 commission.

1 (d) The commission need not delay or abate license revocation
2 proceedings based on an adjudication of guilt if an appeal is taken
3 from the adjudication of guilt.

4 (e) If the commission issues a final decision or order to
5 revoke a license, that decision or order is subject to judicial
6 review as provided in the administrative procedures act of 1969,
7 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
8 in this section is not a final decision or order for purposes of
9 judicial review.

10 (14) An individual licensed under this section shall not
11 exercise the law enforcement authority described in a written
12 instrument conferring authority upon the individual to enforce the
13 laws of this state if any of the following occur:

14 (a) The individual's license is rendered void by a court order
15 or other operation of law.

16 (b) The individual's license is revoked.

17 (c) The individual's license is rendered inactive.

18 (d) The individual's license is rendered lapsed.

19 Sec. 9c. (1) This section applies only to individuals who are
20 employed as fire arson investigators from fire departments within
21 villages, cities, townships, or counties in this state, who are
22 sworn and fully empowered by the chiefs of police of those
23 villages, cities, townships, or counties. Conferring authority to
24 enforce the laws of this state to law enforcement officers to whom
25 this section applies is subject to the licensing requirements and
26 procedures of this section. **AN INDIVIDUAL WHO SEEKS ADMISSION TO A**
27 **PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMY OR A**

1 REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY OR THE RECOGNITION
2 OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM FOR
3 PURPOSES OF LICENSURE UNDER THIS SECTION SHALL SUBMIT TO
4 FINGERPRINTING AS PROVIDED IN SECTION 11(3).

5 (2) The commission shall promulgate rules governing licensing
6 standards and procedures, pertaining to the following:

7 (a) Training requirements that may be met by completing either
8 of the following:

9 (i) Preenrollment requirements, courses of study, attendance
10 requirements, and instructional hours at an agency basic law
11 enforcement training academy, a preservice college basic law
12 enforcement training academy, or a regional basic law enforcement
13 training academy.

14 (ii) The recognition of prior basic law enforcement training
15 and experience program for granting a waiver from the licensing
16 standard specified in subparagraph (i).

17 (b) Proficiency on a licensing examination administered after
18 compliance with the licensing standard specified in subdivision

19 (a).

20 (c) Physical ability.

21 (d) Psychological fitness.

22 (e) Education.

23 (f) Reading and writing proficiency.

24 (g) Minimum age.

25 (h) Whether or not a valid operator's or chauffeur's license
26 is required for licensure.

27 (i) Character fitness, as determined by a background

1 investigation supported by a written authorization and release
2 executed by the individual for whom licensure is sought.

3 (j) Whether or not United States citizenship is required for
4 licensure.

5 (k) Employment as a fire arson investigator from a fire
6 department within a village, city, township, or county in this
7 state, who is sworn and fully empowered by the chief of police of
8 that village, city, township, or county.

9 (l) The form and manner for execution of a written oath of
10 office by the chief of police of a village, city, township, or
11 county law enforcement agency, and the content of the written oath
12 conferring authority to enforce the laws of this state.

13 **(M) THE ABILITY TO BE LICENSED AND EMPLOYED AS A LAW**
14 **ENFORCEMENT OFFICER UNDER THIS SECTION, WITHOUT A RESTRICTION**
15 **OTHERWISE IMPOSED BY LAW.**

16 (3) The licensure process under this section ~~shall comply with~~
17 **MUST FOLLOW** the following procedures:

18 (a) Before executing the oath of office, the chief of police
19 shall verify that the individual to whom the oath is to be
20 administered complies with the licensing standards.

21 (b) The chief of police shall execute an oath of office
22 authorizing the individual to enforce the laws of this state.

23 (c) Not more than 10 calendar days after executing the oath of
24 office, the chief of police shall attest in writing to the
25 commission that the individual to whom the oath was administered
26 satisfies the licensing standards by submitting an executed
27 affidavit and a copy of the executed oath of office.

1 (4) If, upon reviewing the executed affidavit and executed
2 oath of office, the commission determines that the individual
3 complies with the licensing standards, the commission shall grant
4 the individual a license.

5 (5) If, upon reviewing the executed affidavit and executed
6 oath of office, the commission determines that the individual does
7 not comply with the licensing standards, the commission may do any
8 of the following:

9 (a) Supervise the remediation of errors or omissions in the
10 affidavit and oath of office.

11 (b) Supervise the remediation of errors or omissions in the
12 screening, procedures, examinations, testing, and other means used
13 to verify compliance with the licensing standards.

14 (c) Supervise additional screening, procedures, examinations,
15 testing, and other means used to determine compliance with the
16 licensing standards.

17 (d) Deny the issuance of a license and inform the chief of
18 police.

19 (6) Upon being informed that the commission has denied
20 issuance of a license, the chief of police shall promptly inform
21 the individual whose licensure was denied.

22 (7) An individual denied a license under this section shall
23 not exercise the law enforcement authority described in the oath of
24 office. This subsection does not divest the individual of that
25 authority until the individual has been informed that his or her
26 license was denied.

27 (8) A chief of police ~~that~~ **WHO** has administered an oath of

1 office to an individual under this section shall do all of the
2 following, with respect to that individual:

3 (a) Report to the commission all personnel transactions
4 affecting employment status in a manner prescribed in rules
5 promulgated by the commission.

6 (b) Report to the commission concerning any action taken by
7 the chief of police that removes the authority conferred by the
8 oath of office, or that restores the individual's authority to that
9 conferred by the oath of office, in a manner prescribed in rules
10 promulgated by the commission.

11 (c) Maintain an employment history record.

12 (d) Collect, verify, and maintain documentation establishing
13 that the individual complies with the applicable licensing
14 standards.

15 (9) An individual licensed under this section shall report all
16 of the following to the commission:

17 (a) Criminal charges for offenses for which that individual's
18 license may be revoked as described in this section, upon being
19 informed of such charges, in a manner prescribed in rules
20 promulgated by the commission.

21 (b) Imposition of a personal protection order against that
22 individual after a judicial hearing under section 2950 or 2950a of
23 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
24 600.2950a, or under the laws of any other jurisdiction, upon being
25 informed of the imposition of such an order, in a manner prescribed
26 in rules promulgated by the commission.

27 (10) A license issued under this section is rendered lapsed,

1 without barring further licensure under this act, ~~as follows~~:**IF 1**
2 **OR BOTH OF THE FOLLOWING OCCUR:**

3 (a) The individual is no longer employed as a fire arson
4 investigator from a fire department within a village, city,
5 township, or county in this state, who is sworn and fully empowered
6 by the chief of police of that village, city, township, or county,
7 rendering the license lapsed.

8 (b) The individual is subjected to a removal of the authority
9 conferred by the oath of office, rendering the license lapsed.

10 (11) The commission shall revoke a license granted under this
11 section for any of the following circumstances and shall promulgate
12 rules governing these revocations under this subsection:

13 (a) The individual obtained the license by making a materially
14 false oral or written statement or committing fraud in an
15 affidavit, disclosure, or application to a law enforcement training
16 academy, the commission, or a law enforcement agency at any stage
17 of recruitment, selection, appointment, enrollment, training, or
18 licensure application.

19 (b) The individual obtained the license because another
20 individual made a materially false oral or written statement or
21 committed fraud in an affidavit, disclosure, or application to a
22 law enforcement training academy, the commission, or a law
23 enforcement agency at any stage of recruitment, selection,
24 appointment, enrollment, training, or licensure application.

25 (c) The individual has been subjected to an adjudication of
26 guilt for a violation or attempted violation of a penal law of this
27 state or another jurisdiction that is punishable by imprisonment

1 for more than 1 year.

2 (d) The individual has been subjected to an adjudication of
3 guilt for violation or attempted violation of 1 or more of the
4 following penal laws of this state or laws of another jurisdiction
5 substantially corresponding to the penal laws of this state:

6 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949
7 PA 300, MCL 257.625, if the individual has a prior conviction, as
8 that term is defined in section 625(25) (b) of the Michigan vehicle
9 code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the
10 adjudication as described in section 625(9) (b) of the Michigan
11 vehicle code, 1949 PA 300, MCL 257.625.

12 (ii) ~~Sections~~ **SECTION** 7403(2) (c) ~~and~~ **OR** 7404(2) (a), (b), ~~and~~
13 **OR** (c) of the public health code, 1978 PA 368, MCL 333.7403 and
14 333.7404.

15 (iii) ~~Sections~~ **SECTION** 81(4) ~~and~~ **OR** 81a ~~and~~ **OR** a misdemeanor
16 violation of section 411h of the Michigan penal code, 1931 PA 328,
17 MCL 750.81, 750.81a, and 750.411h.

18 (12) The following procedures and requirements apply to
19 license revocation under this section:

20 (a) The commission shall initiate license revocation
21 proceedings, including, but not limited to, issuance of an order of
22 summary suspension and notice of intent to revoke, upon obtaining
23 notice of facts warranting license revocation.

24 (b) A hearing for license revocation ~~shall~~ **MUST** be conducted
25 as a contested case under the administrative procedures act of
26 1969, 1969 PA 306, MCL 24.201 to 24.328.

27 (c) In lieu of participating in a contested case, an

1 individual may voluntarily and permanently relinquish his or her
2 law enforcement officer license by executing before a notary public
3 an affidavit of license relinquishment prescribed by the
4 commission.

5 (d) The commission need not delay or abate license revocation
6 proceedings based on an adjudication of guilt if an appeal is taken
7 from the adjudication of guilt.

8 (e) If the commission issues a final decision or order to
9 revoke a license, that decision or order is subject to judicial
10 review as provided in the administrative procedures act of 1969,
11 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
12 in this section is not a final decision or order for purposes of
13 judicial review.

14 (13) An individual licensed under this section shall not
15 exercise the law enforcement authority described in the oath of
16 office if any of the following occur:

17 (a) The individual's license is rendered void by a court order
18 or other operation of law.

19 (b) The individual's license is revoked.

20 (c) The individual's license is rendered lapsed.

21 Sec. 9d. (1) This section applies only to individuals who meet
22 all of the following **CONDITIONS**:

23 (a) Are employed as private college security officers under
24 section 37 of the private security business and security alarm act,
25 1968 PA 330, MCL 338.1087.

26 (b) Seek licensure under this act.

27 (c) Are sworn and fully empowered by a chief of police of a

1 village, city, or township law enforcement agency, or are deputized
2 by a county sheriff as a deputy sheriff, excluding deputation as a
3 special deputy.

4 (2) The authority to enforce the laws of this state of private
5 college security officers to whom this section applies is subject
6 to the licensing requirements and procedures of this section. **AN**
7 **INDIVIDUAL WHO SEEKS ADMISSION TO A PRESERVICE COLLEGE BASIC LAW**
8 **ENFORCEMENT TRAINING ACADEMY OR A REGIONAL BASIC LAW ENFORCEMENT**
9 **TRAINING ACADEMY OR THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT**
10 **TRAINING AND EXPERIENCE PROGRAM FOR PURPOSES OF LICENSURE UNDER**
11 **THIS SECTION SHALL SUBMIT TO FINGERPRINTING AS PROVIDED IN SECTION**
12 **11(3).**

13 (3) The commission shall promulgate rules governing licensing
14 standards and procedures, pertaining to the following:

15 (a) Training requirements that may be met by completing either
16 of the following:

17 (i) Preenrollment requirements, courses of study, attendance
18 requirements, and instructional hours at an agency basic law
19 enforcement training academy, a preservice college basic law
20 enforcement training academy, or a regional basic law enforcement
21 training academy.

22 (ii) The recognition of prior basic law enforcement training
23 and experience program for granting a waiver from the licensing
24 standard specified in subparagraph (i).

25 (b) Proficiency on a licensing examination administered after
26 compliance with the licensing standard specified in subdivision

27 (a).

1 (c) Physical ability.

2 (d) Psychological fitness.

3 (e) Education.

4 (f) Reading and writing proficiency.

5 (g) Minimum age.

6 (h) Whether or not a valid operator's or chauffeur's license
7 is required for licensure.

8 (i) Character fitness, as determined by a background
9 investigation supported by a written authorization and release
10 executed by the individual for whom licensure is sought.

11 (j) Whether or not United States citizenship is required for
12 licensure.

13 (k) Employment as a private college security officer as
14 defined in section 37 of the private security business and security
15 alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully
16 empowered by the chief of police of a village, city, or township
17 law enforcement agency, or deputized by a county sheriff as a
18 deputy sheriff, excluding deputation as a special deputy.

19 (l) The form and manner for execution of a written oath of
20 office by the chief of police of a village, city, or township law
21 enforcement agency, or by a county sheriff, and the content of the
22 written oath conferring the authority to enforce the general
23 criminal laws of this state.

24 **(M) THE ABILITY TO BE LICENSED AND EMPLOYED AS A LAW**
25 **ENFORCEMENT OFFICER UNDER THIS SECTION, WITHOUT A RESTRICTION**
26 **OTHERWISE IMPOSED BY LAW.**

27 (4) The licensure process under this section ~~shall comply with~~

1 **MUST FOLLOW** the following procedures:

2 (a) Before executing the oath of office, the chief of police
3 of a village, city, or township law enforcement agency or the
4 county sheriff shall verify that the private college security
5 officer to whom the oath is administered complies with the
6 licensing standards.

7 (b) The chief of police of a village, city, or township law
8 enforcement agency or the county sheriff shall execute an oath of
9 office authorizing the private college security officer to enforce
10 the general criminal laws of this state.

11 (c) Not more than 10 calendar days after executing the oath of
12 office, the chief of police of a village, city, or township law
13 enforcement agency or the county sheriff shall attest in writing to
14 the commission that the private college security officer to whom
15 the oath was administered satisfies the licensing standards by
16 submitting an executed affidavit and a copy of the executed oath of
17 office.

18 (5) If upon reviewing the executed affidavit and oath of
19 office the commission determines that the private college security
20 officer complies with the licensing standards, the commission shall
21 grant the private college security officer a license.

22 (6) If upon reviewing the executed affidavit and oath of
23 office the commission determines that the private college security
24 officer does not comply with the licensing standards, the
25 commission may do any of the following:

26 (a) Supervise remediation of errors or omissions in the
27 affidavit or oath of office.

1 (b) Supervise the remediation of errors or omissions in the
2 screening, procedures, examinations, testing, and other means used
3 to verify compliance with the licensing standards.

4 (c) Supervise additional screening, procedures, examinations,
5 testing, and other means used to determine compliance with the
6 licensing standards.

7 (d) Deny the issuance of a license and inform the chief of
8 police of a village, city, or township law enforcement agency or
9 the county sheriff of the denial.

10 (7) Upon being informed that the commission has denied
11 issuance of a license, the chief of police of a village, city, or
12 township law enforcement agency or the county sheriff shall
13 promptly inform the private college security officer seeking
14 licensure that he or she has been denied issuance of a license
15 under this section.

16 (8) A private college security officer denied a license under
17 this section may not exercise the law enforcement authority
18 described in the oath of office. This subsection does not divest
19 the private college security officer of that authority until the
20 private college security officer has been informed that his or her
21 licensure was denied.

22 (9) A chief of police of a village, city, or township law
23 enforcement agency or a county sheriff who has administered an oath
24 of office to a private college security officer under this section
25 shall, with respect to that private college security officer, do
26 all of the following:

27 (a) Report to the commission concerning all personnel

1 transactions affecting employment status, in a manner prescribed in
2 rules promulgated by the commission.

3 (b) Report to the commission concerning any action taken by
4 the chief of police of a village, city, or township law enforcement
5 agency or the county sheriff that removes the authority conferred
6 by the oath of office or that restores the private college security
7 officer's authority conferred by the oath of office, in a manner
8 prescribed in rules promulgated by the commission.

9 (c) Maintain an employment history record.

10 (d) Collect, verify, and maintain documentation establishing
11 that the private college security officer complies with the
12 applicable licensing standards.

13 (10) If a private college or university appoints an individual
14 as a private college security officer under section 37 of the
15 private security business and security alarm act, 1968 PA 330, MCL
16 338.1087, and the private college security officer is licensed
17 under this section, the private college or university, with respect
18 to the private college security officer, shall do all of the
19 following:

20 (a) Report to the commission all personnel transactions
21 affecting employment status in a manner prescribed in rules
22 promulgated by the commission.

23 (b) Report to the chief of police of a village, city, or
24 township law enforcement agency or the county sheriff who
25 administered the oath of office to that private college security
26 officer all personnel transactions affecting employment status, in
27 a manner prescribed in rules promulgated by the commission.

1 (11) A private college security officer licensed under this
2 section shall report all of the following to the commission:

3 (a) Criminal charges for offenses for which the private
4 college security officer's license may be revoked as described in
5 this section upon being informed of such charges and in a manner
6 prescribed in rules promulgated by the commission.

7 (b) The imposition of a personal protection order against the
8 private college security officer after a judicial hearing under
9 section 2950 or 2950a of the revised judicature act of 1961, 1961
10 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other
11 jurisdiction, upon being informed of the imposition of such an
12 order, in a manner prescribed in rules promulgated by the
13 commission.

14 (12) A license granted under this section is rendered lapsed,
15 without barring further licensure under this act, ~~as follows:~~ **IF 1**
16 **OR BOTH OF THE FOLLOWING OCCUR:**

17 (a) The private college security officer is no longer employed
18 as a private college security officer appointed under section 37 of
19 the private security business and security alarm act, 1968 PA 330,
20 MCL 338.1087, who is sworn and fully empowered by the chief of
21 police of a village, city, or township law enforcement agency, or
22 deputized by a county sheriff as a deputy sheriff, excluding
23 deputation as a special deputy, rendering the license lapsed.

24 (b) The private college security officer is subjected to a
25 removal of the authority conferred by the oath of office, rendering
26 the license lapsed.

27 (13) The commission shall revoke a license granted under this

1 section for any of the following and shall promulgate rules
2 governing these revocations:

3 (a) The private college security officer obtained the license
4 by making a materially false oral or written statement or
5 committing fraud in the affidavit, disclosure, or application to a
6 law enforcement training academy, the commission, or a law
7 enforcement agency at any stage of recruitment, selection,
8 appointment, enrollment, training, or licensure application.

9 (b) The private college security officer obtained the license
10 because another person made a materially false oral or written
11 statement or committed fraud in the affidavit, disclosure, or
12 application to a law enforcement training academy, the commission,
13 or a law enforcement agency at any stage of recruitment, selection,
14 appointment, enrollment, training, or licensure application.

15 (c) The private college security officer has been subjected to
16 an adjudication of guilt for a violation or attempted violation of
17 a penal law of this state or another jurisdiction that is
18 punishable by imprisonment for more than 1 year.

19 (d) The private college security officer has been subjected to
20 an adjudication of guilt for a violation or attempted violation of
21 1 or more of the following penal laws of this state or another
22 jurisdiction substantially corresponding to the penal laws of this
23 state:

24 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949
25 PA 300, MCL 257.625, if the individual has a prior conviction, as
26 that term is defined in section 625(25)(b) of the Michigan vehicle
27 code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the

1 adjudication as described in section 625(9)(b) of the Michigan
2 vehicle code, 1949 PA 300, MCL 257.625.

3 (ii) ~~Sections~~**SECTION** 7403(2)(c) ~~and~~**OR** 7404(2)(a), (b), ~~and~~
4 **OR** (c) of the public health code, 1978 PA 368, MCL 333.7403 and
5 333.7404.

6 (iii) ~~Sections~~**SECTION** 81(4) ~~and~~**OR** 81a ~~and~~**OR** a misdemeanor
7 violation of section 411h of the Michigan penal code, 1931 PA 328,
8 MCL 750.81, 750.81a, and 750.411h.

9 (14) The following procedures and requirements apply to
10 license revocation under this section:

11 (a) The commission shall initiate license revocation
12 proceedings, including, but not limited to, the issuance of an
13 order for summary suspension and notice of intent to revoke a
14 license upon obtaining notice of facts warranting license
15 revocation.

16 (b) A hearing for license revocation ~~shall~~**MUST** be conducted
17 as a contested case under the administrative procedures act of
18 1969, 1969 PA 306, MCL 24.201 to 24.328.

19 (c) In lieu of participating in a contested case, a private
20 security college officer may voluntarily and permanently relinquish
21 his or her law enforcement officer license under this section by
22 executing before a notary public an affidavit of license
23 relinquishment as prescribed by the commission.

24 (d) The commission need not delay or abate license revocation
25 proceedings based on an adjudication of guilt if an appeal is taken
26 from the adjudication of guilt.

27 (e) If the commission issues a final decision or order to

1 revoke a license, that decision or order is subject to judicial
2 review as provided in the administrative procedures act of 1969,
3 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
4 in this section is not a final decision or order for purposes of
5 judicial review.

6 (15) A private college security officer licensed under this
7 section shall not exercise the law enforcement authority described
8 in the oath of office he or she executed if any of the following
9 occur:

10 (a) The private college security officer's license is rendered
11 void by a court order or other operation of law.

12 (b) The private college security officer's license is revoked.

13 (c) The private college security officer's license is rendered
14 lapsed.

15 Sec. 11. (1) The commission may do 1 or more of the following:

16 (a) Enter into agreements with colleges, universities,
17 governmental agencies, and private entities to carry out the intent
18 of this act.

19 (b) Issue certificates of approval to agency basic law
20 enforcement training academies, preservice college basic law
21 enforcement training academies, and regional basic law enforcement
22 training academies.

23 (c) Authorize issuance of certificates of graduation or
24 diplomas by agency basic law enforcement training academies,
25 preservice college basic law enforcement training academies, and
26 regional basic law enforcement training academies to students who
27 have satisfactorily completed minimum courses of study.

1 (d) Cooperate with state, federal, and local agencies to
2 approve programs of in-service instruction and training of law
3 enforcement officers of this state and of cities, counties,
4 townships, and villages.

5 (e) Make recommendations to the legislature on matters
6 pertaining to qualification and training of law enforcement
7 officers.

8 (f) Require a licensing examination.

9 (g) Establish a recognition of prior basic law enforcement
10 training and experience program.

11 (h) Establish and charge a fee to recover the cost of
12 screening, enrolling, evaluating, and testing individuals who are
13 not employed by a law enforcement agency, ~~that shall~~ **WHICH MUST** be
14 deposited in the law enforcement officers training fund created in
15 this section.

16 (i) Establish and charge a fee to recover the cost of issuing
17 licenses to persons licensed under this act, ~~that shall~~ **WHICH MUST**
18 be deposited in the law enforcement officers training fund created
19 in this section.

20 (2) The commission may promulgate rules with respect to any of
21 the following:

22 (a) In-service training programs and minimum courses of study
23 and attendance requirements for licensed law enforcement officers.

24 (b) The establishment and approval of agency basic law
25 enforcement training academies, preservice college basic law
26 enforcement training academies, and regional basic law enforcement
27 training academies.

1 (c) The minimum qualifications for instructors for approved
2 agency basic law enforcement training academies, preservice college
3 basic law enforcement training academies, and regional basic law
4 enforcement training academies.

5 (d) The minimum facilities and equipment for agency basic law
6 enforcement training academies, preservice college basic law
7 enforcement training academies, and regional basic law enforcement
8 training academies.

9 (e) Minimum standards and procedures for reserve officers.

10 (3) THE COMMISSION SHALL REQUIRE AN INDIVIDUAL SEEKING
11 ADMISSION TO A PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING
12 ACADEMY OR A REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY OR THE
13 RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE
14 PROGRAM TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF
15 STATE POLICE FOR THE PURPOSE OF CONDUCTING A CRIMINAL HISTORY
16 RECORD INFORMATION CHECK. THE DEPARTMENT OF STATE POLICE MAY CHARGE
17 A FEE FOR CONDUCTING A CRIMINAL HISTORY RECORD INFORMATION CHECK.
18 THE INDIVIDUAL SHALL SUBMIT HIS OR HER FINGERPRINTS TO THE
19 DEPARTMENT OF STATE POLICE IN A MANNER PRESCRIBED BY THE DEPARTMENT
20 OF STATE POLICE.

21 (4) THE DEPARTMENT OF STATE POLICE SHALL CONDUCT A CRIMINAL
22 HISTORY RECORD INFORMATION CHECK ON EACH INDIVIDUAL DESCRIBED UNDER
23 SUBSECTION (3) THROUGH ITS OWN RECORDS AND THROUGH THE FEDERAL
24 BUREAU OF INVESTIGATION. AFTER THE COMPLETION OF EACH CRIMINAL
25 HISTORY RECORD INFORMATION CHECK, THE DEPARTMENT OF STATE POLICE
26 SHALL PROVIDE THE CRIMINAL HISTORY RECORD INFORMATION TO THE
27 COMMISSION.

1 (5) THE DEPARTMENT OF STATE POLICE SHALL STORE AND RETAIN
2 FINGERPRINTS SUBMITTED UNDER THIS SECTION IN AN AUTOMATED
3 FINGERPRINT IDENTIFICATION SYSTEM THAT PROVIDES FOR AN AUTOMATIC
4 NOTIFICATION IF SUBSEQUENT CRIMINAL HISTORY RECORD INFORMATION
5 MATCHES FINGERPRINTS PREVIOUSLY SUBMITTED UNDER THIS SECTION. UPON
6 RECEIVING A NOTIFICATION UNDER THIS SUBSECTION, THE DEPARTMENT OF
7 STATE POLICE SHALL FORWARD THAT NOTIFICATION TO THE COMMISSION.

8 (6) THE DEPARTMENT OF STATE POLICE SHALL FORWARD THE
9 FINGERPRINTS SUBMITTED UNDER THIS SECTION TO THE FEDERAL BUREAU OF
10 INVESTIGATION TO BE RETAINED IN THE FEDERAL BUREAU OF
11 INVESTIGATION'S NEXT GENERATION IDENTIFICATION SYSTEM AND
12 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM THAT
13 PROVIDES FOR AUTOMATIC NOTIFICATION IF SUBSEQUENT CRIMINAL HISTORY
14 RECORD INFORMATION MATCHES FINGERPRINTS PREVIOUSLY SUBMITTED TO THE
15 FEDERAL BUREAU OF INVESTIGATION UNDER THIS SUBSECTION. UPON
16 RECEIVING A NOTIFICATION FROM THE FEDERAL BUREAU OF INVESTIGATION
17 UNDER THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE SHALL FORWARD
18 THAT NOTIFICATION TO THE COMMISSION. THE FINGERPRINTS RETAINED
19 UNDER THIS SUBSECTION MAY BE SEARCHED BY USING FUTURE SUBMISSIONS
20 TO THOSE SYSTEMS, INCLUDING, BUT NOT LIMITED TO, LATENT FINGERPRINT
21 SEARCHES, WITH APPROPRIATE RESPONSES SENT TO THE SUBMITTING AND
22 SUBSCRIBING ENTITIES. THIS SUBSECTION DOES NOT APPLY UNLESS THE
23 DEPARTMENT OF STATE POLICE IS CAPABLE OF PARTICIPATING IN THE
24 FEDERAL BUREAU OF INVESTIGATION'S NEXT GENERATION IDENTIFICATION
25 SYSTEM AND INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.

26 (7) ~~(3)~~—The law enforcement officers training fund is created
27 within the state treasury.

1 (8) ~~(4)~~—The state treasurer may receive money or other assets
2 from any source for deposit into the fund. The state treasurer
3 shall direct investment of the fund. The state treasurer shall
4 credit to the fund interest and earnings from fund investments.

5 (9) ~~(5)~~—Money in the fund at the close of the fiscal year
6 shall remain in the fund, shall not lapse into the general fund,
7 and may be used by the commission, upon appropriation, in future
8 fiscal years as prescribed in this section.

9 (10) ~~(6)~~—The commission shall be the administrator of the fund
10 for auditing purposes.

11 (11) ~~(7)~~—The commission shall expend money from the fund, upon
12 appropriation, to carry out its responsibilities under this act.