

# SENATE BILL No. 524

September 6, 2017, Introduced by Senator JONES and referred to the Committee on  
Judiciary.

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

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

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

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

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

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

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

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

1 executed affidavit and a copy of the executed oath of office.

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

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

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

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

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

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

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

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

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

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

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

12           (c) Maintain an employment history record.

13           (d) Collect, verify, and maintain documentation establishing  
14 that the individual complies with the licensing 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) The 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 inactive,

1 and may be reactivated, as follows:

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

4 (i) 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 less  
7 than 1 year.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) The individual obtained the license because another  
27 individual made a materially false oral or written statement or

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

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

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

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

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

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

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

27 (a) The commission shall initiate license revocation



1 proceedings, including, but not limited to, the issuance of an  
2 order of summary suspension and notice of intent to revoke, upon  
3 obtaining notice of facts warranting license revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Proficiency on a licensing examination administered after

1 compliance with the licensing standard specified in subdivision  
2 (a).

3 (c) Physical ability.

4 (d) Psychological fitness.

5 (e) Education.

6 (f) Reading and writing proficiency.

7 (g) Minimum age.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) Criminal charges for offenses for which that individual's  
27 license may be revoked as described in this section, upon being

1 informed of such charges, in a manner prescribed in rules  
2 promulgated by the commission.

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

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

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

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

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

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

26 (iv) An individual, having been employed as a law enforcement  
27 officer in aggregate for 2,080 hours or longer, is continuously

1 subjected to a removal of the authority conferred by the written  
2 instrument authorizing the individual to enforce the laws of this  
3 state for less than 2 years.

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

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

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

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

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

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

27 (d) 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 2 years.

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) The commission need not delay or abate license revocation

1 proceedings based on an adjudication of guilt if an appeal is taken  
2 from the adjudication of guilt.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (a).

19 (c) Physical ability.

20 (d) Psychological fitness.

21 (e) Education.

22 (f) Reading and writing proficiency.

23 (g) Minimum age.

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

26 (i) Character fitness, as determined by a background  
27 investigation supported by a written authorization and release

1 executed by the individual for whom licensure is sought.

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

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

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

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, the chief of police  
18 shall verify that the individual to whom the oath is to be  
19 administered complies with the licensing standards.

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

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

27 (4) If, upon reviewing the executed affidavit and executed

1 oath of office, the commission determines that the individual  
2 complies with the licensing standards, the commission shall grant  
3 the individual a license.

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

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

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

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

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

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

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

26 (8) A chief of police ~~that~~ **WHO** has administered an oath of  
27 office to an individual under this section shall do all of the

1 following, with respect to that individual:

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

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

10 (c) Maintain an employment history record.

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

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

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

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

26 (10) A license issued under this section is rendered lapsed,  
27 without barring further licensure under this act, ~~as follows:~~**IF 1**

1 **OR BOTH OF THE FOLLOWING OCCUR:**

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

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

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

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

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

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



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

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

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

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

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

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

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

26 (c) In lieu of participating in a contested case, an  
27 individual may voluntarily and permanently relinquish his or her

1 law enforcement officer license by executing before a notary public  
2 an affidavit of license relinquishment prescribed by the  
3 commission.

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

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

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

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

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

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

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

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

25 (b) Seek licensure under this act.

26 (c) Are sworn and fully empowered by a chief of police of a  
27 village, city, or township law enforcement agency, or are deputized

1 by a county sheriff as a deputy sheriff, excluding deputation as a  
2 special deputy.

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

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

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

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

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

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

26 (a).

27 (c) Physical ability.

1 (d) Psychological fitness.

2 (e) Education.

3 (f) Reading and writing proficiency.

4 (g) Minimum age.

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

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

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

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

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

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

26 (4) The licensure process under this section ~~shall comply with~~  
27 **MUST FOLLOW** the following procedures:

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

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

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

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

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

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

27 (b) Supervise the remediation of errors or omissions in the

1 screening, procedures, examinations, testing, and other means used  
2 to verify compliance with the licensing standards.

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

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

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

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

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

26 (a) Report to the commission concerning all personnel  
27 transactions affecting employment status, in a manner prescribed in

1 rules promulgated by the commission.

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

8 (c) Maintain an employment history record.

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

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

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

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

27 (11) A private college security officer licensed under this

1 section shall report all of the following to the commission:

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

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

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

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

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

26 (13) The commission shall revoke a license granted under this  
27 section for any of the following and shall promulgate rules



1 governing these revocations:

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

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

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

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

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

1 vehicle code, 1949 PA 300, MCL 257.625.

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

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

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

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

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

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

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

26 (e) If the commission issues a final decision or order to  
27 revoke a license, that decision or order is subject to judicial

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

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

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

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

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

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

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

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

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

27 (d) Cooperate with state, federal, and local agencies to

1 approve programs of in-service instruction and training of law  
2 enforcement officers of this state and of cities, counties,  
3 townships, and villages.

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

7 (f) Require a licensing examination.

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

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

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

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

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

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

27 (c) The minimum qualifications for instructors for approved

1 agency basic law enforcement training academies, preservice college  
2 basic law enforcement training academies, and regional basic law  
3 enforcement training academies.

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

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

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

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

27 (5) THE DEPARTMENT OF STATE POLICE SHALL STORE AND RETAIN

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

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

25 (7) ~~(3)~~—The law enforcement officers training fund is created  
26 within the state treasury.

27 (8) ~~(4)~~—The state treasurer may receive money or other assets

1 from any source for deposit into the fund. The state treasurer  
2 shall direct investment of the fund. The state treasurer shall  
3 credit to the fund interest and earnings from fund investments.

4 (9) ~~(5)~~—Money in the fund at the close of the fiscal year  
5 shall remain in the fund, shall not lapse into the general fund,  
6 and may be used by the commission, upon appropriation, in future  
7 fiscal years as prescribed in this section.

8 (10) ~~(6)~~—The commission shall be the administrator of the fund  
9 for auditing purposes.

10 (11) ~~(7)~~—The commission shall expend money from the fund, upon  
11 appropriation, to carry out its responsibilities under this act.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.