

HOUSE BILL NO. 5837

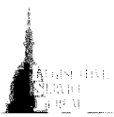
June 04, 2020, Introduced by Reps. Peterson, Sowerby, Kuppa, LaGrand, Garrett, Lasinski, Tate, Tyrone Carter, Camilleri, Pagan, Guerra, Pohutsky, Warren, Hoadley, Bolden, Rabhi, Brenda Carter, Wittenberg, Elder, Garza, Manoogian, Koleszar, Sabo, Brixie, Hammoud, Anthony, Gay-Dagnogo, Ellison, Cherry and Yancey and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending the title and sections 9, 9b, 9c, and 9d (MCL 28.609,
28.609b, 28.609c, and 28.609d), the title as amended by 1998 PA 237
and sections 9, 9b, 9c, and 9d as amended by 2018 PA 552, and by
adding section 9f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE



LEJ



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1 An act to provide for the creation of the commission on law
2 enforcement standards; to prescribe its membership, powers, and
3 duties; to prescribe the reporting responsibilities of certain
4 state and local agencies; **to require certain training for law**
5 **enforcement officers**; to provide for additional costs in criminal
6 cases; to provide for the establishment of the law enforcement
7 officers training fund; and to provide for disbursement of
8 allocations from the law enforcement officers training fund to
9 local agencies of government participating in a police training
10 program.

11 Sec. 9. (1) This section applies to all law enforcement
12 officers except individuals to whom sections 9a, 9b, 9c, and 9d
13 apply. Employment of law enforcement officers to whom this section
14 applies is subject to the licensing requirements and procedures of
15 this section and ~~section~~**sections 9e and 9f**. An individual who
16 seeks admission to a preservice college basic law enforcement
17 training academy or a regional basic law enforcement training
18 academy or the recognition of prior basic law enforcement training
19 and experience program for purposes of licensure under this section
20 shall submit to fingerprinting as provided in section 11(3).

21 (2) The commission shall promulgate rules governing licensing
22 standards and procedures for individuals licensed under this
23 section. In promulgating the rules, the commission shall give
24 consideration to the varying factors and special requirements of
25 law enforcement agencies. Rules promulgated under this subsection
26 must pertain to the following:

27 (a) Subject to ~~section~~**sections 9e and 9f**, training
28 requirements that may be met by completing either of the following:

29 (i) Preenrollment requirements, courses of study, attendance



1 requirements, and instructional hours at an agency basic law
2 enforcement training academy, a preservice college basic law
3 enforcement training academy, or a regional basic law enforcement
4 training academy.

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

8 (b) Proficiency on a licensing examination administered after
9 compliance with the licensing standard specified in subdivision
10 (a).

11 (c) Physical ability.

12 (d) Psychological fitness.

13 (e) Education.

14 (f) Reading and writing proficiency.

15 (g) Minimum age.

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

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

21 (j) Whether or not United States citizenship is required for
22 licensure.

23 (k) Employment as a law enforcement officer.

24 (l) The form and manner for execution of a written oath of
25 office by a law enforcement agency with whom the individual is
26 employed, and the content of the written oath conferring authority
27 to act with all of the law enforcement authority described in the
28 laws of this state under which the individual is employed.

29 (m) The ability to be licensed and employed as a law



1 enforcement officer under this section, without a restriction
2 otherwise imposed by law.

3 (3) The licensure process under this section must follow the
4 following procedures:

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

8 (b) A law enforcement agency employing an individual licensed
9 under this section authorizes the individual to exercise the law
10 enforcement authority described in the laws of this state under
11 which the individual is employed, by executing a written oath of
12 office.

13 (c) Not more than 10 calendar days after executing the oath of
14 office, the employing law enforcement agency shall attest in
15 writing to the commission that the individual to whom the oath was
16 administered satisfies the licensing standards by submitting an
17 executed affidavit and a copy of the executed oath of office.

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

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

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

28 (b) Supervise the remediation of errors or omissions in the
29 screening, procedures, examinations, testing, and other means used



1 to verify compliance with the licensing standards.

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

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

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

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

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

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

21 (b) Report to the commission concerning any action taken by
22 the employing agency that removes the authority conferred by the
23 oath of office, or that restores the individual's authority to that
24 conferred by the oath of office, in a manner prescribed in rules
25 promulgated by the commission.

26 (c) Maintain an employment history record.

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

29 (9) An individual licensed under this section shall report all

1 of the following to the commission:

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

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

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

14 (a) A license is rendered inactive if 1 or more of the
15 following occur:

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

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

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

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

1 subjected to a removal of the authority conferred by the oath of
2 office for less than 2 years.

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

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

10 (11) A license issued under this section is rendered lapsed,
11 without barring further licensure under this act, if 1 or more of
12 the following occur:

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

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

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

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

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



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

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

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

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

21 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
22 300, MCL 257.625, if the individual has a prior conviction, as that
23 term is defined in section 625(25)(b) of the Michigan vehicle code,
24 1949 PA 300, MCL 257.625, that occurred within 7 years of the
25 adjudication as described in section 625(9)(b) of the Michigan
26 vehicle code, 1949 PA 300, MCL 257.625.

27 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
28 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

29 (iii) Section 81(4) or 81a or a misdemeanor violation of section



1 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
2 and 750.411h.

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

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

9 (b) A hearing for license revocation must be conducted as a
10 contested case under the administrative procedures act of 1969,
11 1969 PA 306, MCL 24.201 to 24.328.

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

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

20 (e) If the commission issues a final decision or order to
21 revoke a license, that decision or order is subject to judicial
22 review as provided in the administrative procedures act of 1969,
23 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
24 in this section is not a final decision or order for purposes of
25 judicial review.

26 (14) An individual licensed under this section shall not
27 exercise the law enforcement authority described in the laws of
28 this state under which the individual is employed if any of the
29 following occur:



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

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

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

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

6 Sec. 9b. (1) This section applies only to individuals who are
7 employed as Michigan tribal law enforcement officers in this state
8 and are subject to a written instrument authorizing them to enforce
9 the laws of this state. Conferring authority to enforce the laws of
10 this state to law enforcement officers to whom this section applies
11 is subject to the licensing requirements and procedures of this
12 section and ~~section~~**sections 9e and 9f**. An individual who seeks
13 admission to a preservice college basic law enforcement training
14 academy or a regional basic law enforcement training academy or the
15 recognition of prior basic law enforcement training and experience
16 program for purposes of licensure under this section shall submit
17 to fingerprinting as provided in section 11(3).

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

20 (a) Subject to ~~section~~**sections 9e and 9f**, training
21 requirements that may be met by completing either of the following:

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

27 (ii) The recognition of prior basic law enforcement training
28 and experience program for granting a waiver from the licensing
29 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 authority
21 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
28 individual to enforce the laws of this state.

29 (iv) Execution of a written agreement between this state, or a



subdivision of this state, and the United States, conferring authority upon the individual to enforce the laws of this state.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:

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

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

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

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

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



1 the following:

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

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

7 (c) Supervise additional screening, procedures, examinations,
8 testing, and other means used to determine compliance with the
9 licensing standards.

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

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

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

25 (8) A written instrument conferring authority to enforce the
26 laws of this state upon an individual to whom this section applies
27 must include the following:

28 (a) A requirement that the employing Michigan tribal law
29 enforcement agency report to the commission all personnel



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

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

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

12 (d) A requirement that the employing Michigan tribal law
13 enforcement agency collect, verify, and maintain documentation
14 establishing that the individual complies with the applicable
15 licensing standards.

16 (9) A written instrument conferring authority to enforce the
17 laws of this state upon an individual to whom this section applies
18 must include a requirement that the employing Michigan tribal law
19 enforcement agency report the following regarding an individual
20 licensed under this section:

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

25 (b) The imposition of a personal protection order against that
26 individual after a judicial hearing under section 2950 or 2950a of
27 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
28 600.2950a, or under the laws of any other jurisdiction, upon being
29 informed of the imposition of such an order, in a manner prescribed



1 in rules promulgated by the commission.

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

4 (a) A license is rendered inactive if 1 or more of the
5 following occur:

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

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

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

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

24 (b) A law enforcement agency or other governmental agency
25 conferring authority to enforce the laws of this state upon an
26 individual to whom this section applies may reactivate a license
27 rendered inactive by complying with the licensure procedures
28 described in subsection (3), excluding verification of and
29 attestation to compliance with the licensing standards described in

1 subsection (2)(a) to (g).

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

4 (11) A license issued under this section is rendered lapsed,
5 without barring further licensure under this act, if 1 or more of
6 the following occur:

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

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

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

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

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

26 (a) The individual obtained the license by making a materially
27 false oral or written statement or committing fraud in an
28 affidavit, disclosure, or application to a law enforcement training
29 academy, the commission, or a law enforcement agency at any stage



1 of recruitment, selection, appointment, enrollment, training, or
2 licensure application.

3 (b) The individual obtained the license because another
4 individual made a materially false oral or written statement or
5 committed fraud in an 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 (c) The individual has been subjected to an adjudication of
10 guilt for a violation or attempted violation of a penal law of this
11 state or another jurisdiction that is punishable by imprisonment
12 for more than 1 year.

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

17 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
18 300, MCL 257.625, if the individual has a prior conviction, as that
19 term is defined in section 625(25)(b) of the Michigan vehicle code,
20 1949 PA 300, MCL 257.625, that occurred within 7 years of the
21 adjudication as described in section 625(9)(b) of the Michigan
22 vehicle code, 1949 PA 300, MCL 257.625.

23 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
24 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

25 (iii) Section 81(4) or 81a or a misdemeanor violation of section
26 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
27 and 750.411h.

28 (13) The following procedures and requirements apply to
29 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 must be conducted as a
6 contested case under the administrative procedures act of 1969,
7 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 a written
24 instrument conferring authority upon the individual to enforce the
25 laws of this state if any of the following occur:

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

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

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



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

2 Sec. 9c. (1) This section applies only to individuals who are
3 employed as fire arson investigators from fire departments within
4 villages, cities, townships, or counties in this state, who are
5 sworn and fully empowered by the chiefs of police of those
6 villages, cities, townships, or counties. Conferring authority to
7 enforce the laws of this state to law enforcement officers to whom
8 this section applies is subject to the licensing requirements and
9 procedures of this section and ~~section~~**sections 9e and 9f**. An
10 individual who seeks admission to a preservice college basic law
11 enforcement training academy or a regional basic law enforcement
12 training academy or the recognition of prior basic law enforcement
13 training and experience program for purposes of licensure under
14 this section shall submit to fingerprinting as provided in section
15 11(3).

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

18 (a) Subject to ~~section~~**sections 9e and 9f**, training
19 requirements that may be met by completing either 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).

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



1 (a) .

2 (c) Physical ability.

3 (d) Psychological fitness.

4 (e) Education.

5 (f) Reading and writing proficiency.

6 (g) Minimum age.

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

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

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

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

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

22 (m) The ability to be licensed and employed as a law
23 enforcement officer under this section, without a restriction
24 otherwise imposed by law.

25 (3) The licensure process under this section must follow the
26 following procedures:

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



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

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

8 (4) If, upon reviewing the executed affidavit and executed
9 oath of office, the commission determines that the individual
10 complies with the licensing standards, the commission shall grant
11 the individual a license.

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

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

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

21 (c) Supervise additional screening, procedures, examinations,
22 testing, and other means used to determine compliance with the
23 licensing standards.

24 (d) Deny the issuance of a license and inform the chief of
25 police.

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

29 (7) An individual denied a license under this section shall



1 not exercise the law enforcement authority described in the oath of
2 office. This subsection does not divest the individual of that
3 authority until the individual has been informed that his or her
4 license was denied.

5 (8) A chief of police who has administered an oath of office
6 to an individual under this section shall do all of the following,
7 with respect to that individual:

8 (a) Report to the commission all personnel transactions
9 affecting employment status in a manner prescribed in rules
10 promulgated by the commission.

11 (b) Report to the commission concerning any action taken by
12 the chief of police that removes the authority conferred by the
13 oath of office, or that restores the individual's authority to that
14 conferred by the oath of office, in a manner prescribed in rules
15 promulgated by the commission.

16 (c) Maintain an employment history record.

17 (d) Collect, verify, and maintain documentation establishing
18 that the individual complies with the applicable licensing
19 standards.

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

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

26 (b) Imposition of a personal protection order against that
27 individual after a judicial hearing under section 2950 or 2950a of
28 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
29 600.2950a, or under the laws of any other jurisdiction, upon being



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

3 (10) A license issued under this section is rendered lapsed,
4 without barring further licensure under this act, if 1 or both of
5 the following occur:

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

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

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

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

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

28 (c) The individual has been subjected to an adjudication of
29 guilt for a violation or attempted violation of a penal law of this



1 state or another jurisdiction that is punishable by imprisonment
2 for more than 1 year.

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

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

13 (ii) Section 7403(2) (c) or 7404(2) (a), (b), or (c) of the
14 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

15 (iii) Section 81(4) or 81a or a misdemeanor violation of section
16 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
17 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 must be conducted as a
25 contested case under the administrative procedures act of 1969,
26 1969 PA 306, MCL 24.201 to 24.328.

27 (c) In lieu of participating in a contested case, an
28 individual may voluntarily and permanently relinquish his or her
29 law enforcement officer license by executing before a notary public



1 an affidavit of license relinquishment prescribed by the
2 commission.

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

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

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

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

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

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

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

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

24 (b) Seek licensure under this act.

25 (c) Are sworn and fully empowered by a chief of police of a
26 village, city, or township law enforcement agency, or are deputized
27 by a county sheriff as a deputy sheriff, excluding deputation as a
28 special deputy.

29 (2) The authority to enforce the laws of this state of private



1 college security officers to whom this section applies is subject
2 to the licensing requirements and procedures of this section and
3 ~~section~~**sections 9e and 9f**. An individual who seeks admission to a
4 preservice college basic law enforcement training academy or a
5 regional basic law enforcement training academy or the recognition
6 of prior basic law enforcement training and experience program for
7 purposes of licensure under this section shall submit to
8 fingerprinting as provided in section 11(3).

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

11 (a) Subject to ~~section~~**sections 9e and 9f**, training
12 requirements that may be met by completing either of the following:

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

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

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

23 (a).

24 (c) Physical ability.

25 (d) Psychological fitness.

26 (e) Education.

27 (f) Reading and writing proficiency.

28 (g) Minimum age.

29 (h) Whether or not a valid operator's or chauffeur's license



1 is required for licensure.

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

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

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

13 (l) The form and manner for execution of a written oath of
14 office by the chief of police of a village, city, or township law
15 enforcement agency, or by a county sheriff, and the content of the
16 written oath conferring the authority to enforce the general
17 criminal laws of this state.

18 (m) The ability to be licensed and employed as a law
19 enforcement officer under this section, without a restriction
20 otherwise imposed by law.

21 (4) The licensure process under this section must follow the
22 following procedures:

23 (a) Before executing the oath of office, the chief of police
24 of a village, city, or township law enforcement agency or the
25 county sheriff shall verify that the private college security
26 officer to whom the oath is administered complies with the
27 licensing standards.

28 (b) The chief of police of a village, city, or township law
29 enforcement agency or the county sheriff shall execute an oath of



1 office authorizing the private college security officer to enforce
2 the general criminal laws of this state.

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

10 (5) If upon reviewing the executed affidavit and oath of
11 office the commission determines that the private college security
12 officer complies with the licensing standards, the commission shall
13 grant the private college security officer a license.

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

18 (a) Supervise remediation of errors or omissions in the
19 affidavit or oath of office.

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

23 (c) Supervise additional screening, procedures, examinations,
24 testing, and other means used to determine compliance with the
25 licensing standards.

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

29 (7) Upon being informed that the commission has denied



1 issuance of a license, the chief of police of a village, city, or
2 township law enforcement agency or the county sheriff shall
3 promptly inform the private college security officer seeking
4 licensure that he or she has been denied issuance of a license
5 under this section.

6 (8) A private college security officer denied a license under
7 this section may not exercise the law enforcement authority
8 described in the oath of office. This subsection does not divest
9 the private college security officer of that authority until the
10 private college security officer has been informed that his or her
11 licensure was denied.

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

17 (a) Report to the commission concerning all personnel
18 transactions affecting employment status, in a manner prescribed in
19 rules promulgated by the commission.

20 (b) Report to the commission concerning any action taken by
21 the chief of police of a village, city, or township law enforcement
22 agency or the county sheriff that removes the authority conferred
23 by the oath of office or that restores the private college security
24 officer's authority conferred by the oath of office, in a manner
25 prescribed in rules promulgated by the commission.

26 (c) Maintain an employment history record.

27 (d) Collect, verify, and maintain documentation establishing
28 that the private college security officer complies with the
29 applicable licensing standards.



1 (10) If a private college or university appoints an individual
2 as a private college security officer under section 37 of the
3 private security business and security alarm act, 1968 PA 330, MCL
4 338.1087, and the private college security officer is licensed
5 under this section, the private college or university, with respect
6 to the private college security officer, shall do ~~all~~**both** of the
7 following:

8 (a) Report to the commission all personnel transactions
9 affecting employment status in a manner prescribed in rules
10 promulgated by the commission.

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

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

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

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

29 (12) A license granted under this section is rendered lapsed,



1 without barring further licensure under this act, if 1 or both of
2 the following occur:

3 (a) The private college security officer is no longer employed
4 as a private college security officer appointed under section 37 of
5 the private security business and security alarm act, 1968 PA 330,
6 MCL 338.1087, who is sworn and fully empowered by the chief of
7 police of a village, city, or township law enforcement agency, or
8 deputized by a county sheriff as a deputy sheriff, excluding
9 deputation as a special deputy, rendering the license lapsed.

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

13 (13) The commission shall revoke a license granted under this
14 section for any of the following and shall promulgate rules
15 governing these revocations:

16 (a) The private college security officer obtained the license
17 by making a materially false oral or written statement or
18 committing fraud in the affidavit, disclosure, or application to a
19 law enforcement training academy, the commission, or a law
20 enforcement agency at any stage of recruitment, selection,
21 appointment, enrollment, training, or licensure application.

22 (b) The private college security officer obtained the license
23 because another person made a materially false oral or written
24 statement or committed fraud in the affidavit, disclosure, or
25 application to a law enforcement training academy, the commission,
26 or a law enforcement agency at any stage of recruitment, selection,
27 appointment, enrollment, training, or licensure application.

28 (c) The private college security officer has been subjected to
29 an adjudication of guilt for a violation or attempted violation of



1 a penal law of this state or another jurisdiction that is
2 punishable by imprisonment for more than 1 year.

3 (d) The private college security officer has been subjected to
4 an adjudication of guilt for a violation or attempted violation of
5 1 or more of the following penal laws of this state or another
6 jurisdiction substantially corresponding to the penal laws of this
7 state:

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

14 (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
15 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

16 (iii) Section 81(4) or 81a or a misdemeanor violation of section
17 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
18 and 750.411h.

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

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

26 (b) A hearing for license revocation must be conducted as a
27 contested case under the administrative procedures act of 1969,
28 1969 PA 306, MCL 24.201 to 24.328.

29 (c) In lieu of participating in a contested case, a private



1 security college officer may voluntarily and permanently relinquish
2 his or her law enforcement officer license under this section by
3 executing before a notary public an affidavit of license
4 relinquishment as prescribed by the 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 (15) A private college security officer licensed under this
15 section shall not exercise the law enforcement authority described
16 in the oath of office he or she executed if any of the following
17 occur:

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

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

21 (c) The private college security officer's license is rendered
22 lapsed.

23 **Sec. 9f. (1) Beginning January 1, 2022, an individual who is**
24 **seeking to become licensed as a law enforcement officer under**
25 **section 9, 9b, 9c, or 9d shall complete training that meets the**
26 **minimum standards under this section. A law enforcement officer who**
27 **is licensed under section 9, 9b, 9c, or 9d on December 31, 2021,**
28 **and who has not previously completed the training under this**
29 **section shall complete training that meets the minimum standards**



1 under this section.

2 (2) Subject to subsection (4), not later than September 1,
3 2021, the commission shall promulgate rules establishing the
4 minimum standards for training in all of the following areas:

5 (a) De-escalation techniques.

6 (b) Implicit bias training.

7 (c) Procedural justice training.

8 (d) Mental health resources and support available for law
9 enforcement officers.

10 (3) The minimum standards for training on de-escalation
11 techniques must include all of the following:

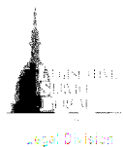
12 (a) The use of alternative nonlethal methods of applying force
13 and techniques that prevent a law enforcement officer from
14 escalating any situation where force is likely to be used.

15 (b) Verbal and physical tactics to minimize the need for the
16 use of force, with an emphasis on communication, negotiation, de-
17 escalation techniques, and providing the time needed to resolve the
18 incident safely for each individual involved.

19 (c) The use of the lowest level of force that is a possible
20 and safe response to an identified threat and reevaluation of an
21 identified threat as it progresses.

22 (d) Techniques that provide all officers with awareness and
23 recognition of physical and mental disabilities, mental health
24 issues, and substance abuse issues with an emphasis on
25 communication strategies, and training officers simultaneously in
26 teams on de-escalation and use of force to improve group dynamics
27 and diminish excessive use of force during critical incidents.

28 (e) Principles of using distance, cover, and time when
29 approaching and managing critical incidents, and elimination of



1 other techniques in favor of using distance and cover to create a
2 reaction gap.

3 (f) Crisis intervention strategies to appropriately identify
4 and respond to an individual suffering from physical or mental
5 disabilities, mental health issues, or substance abuse issues, with
6 an emphasis on de-escalation techniques and promoting effective
7 communication.

8 (g) Other evidence-based approaches, found to be appropriate
9 by the commission, that enhance de-escalation techniques and
10 skills.

11 (4) An individual seeking to become a law enforcement officer
12 licensed under this act or a person who is already a licensed law
13 enforcement officer under this act may meet the minimum standards
14 for implicit bias training by completing an implicit bias training
15 course offered by the United States Department of Justice.

16 (5) Not later January 1, 2022, each law enforcement agency in
17 this state shall adopt a written policy stating that each of the
18 law enforcement officers in its employ has an affirmative duty to
19 utilize de-escalation techniques in his or her interactions with
20 citizens whenever possible.

21 (6) The commission shall make a model written policy meeting
22 the requirements of subsection (5) available on its website. A law
23 enforcement agency may fulfill its duty under subsection (5) by
24 adopting the written policy made available under this subsection.

25 (7) Not later than November 30, 2021, the department of the
26 attorney general shall provide written guidance to the law
27 enforcement agencies in this state that employ law enforcement
28 officers licensed under section 9, 9b, 9c, or 9d with regard to
29 compliance with the minimum standards under this section.



1 (8) The department of the attorney general shall collect data
2 regarding the implementation of training programs under this
3 section and shall provide an annual report to the legislature
4 describing that data.

5 (9) As used in this section:

6 (a) "De-escalation technique" means a method or methods for
7 assessing and managing a situation in order to resolve it with the
8 least use of force that is safe and practicable by a law
9 enforcement officer.

10 (b) "Implicit bias training" means an evidence-based program
11 to provide fair and impartial law enforcement by increasing
12 awareness of and improving response strategies to unconscious bias.

13 (c) "Procedural justice training" means a system of law
14 enforcement that prioritizes legitimacy over deterrence in
15 obtaining citizen compliance with law enforcement directions and
16 emphasizes fair process and respectful 2-way communication
17 conveying the rationale behind directions given by a law
18 enforcement officer to a citizen.

19 (d) "Reaction gap" means the minimum amount of distance
20 necessary to ensure that a law enforcement officer is able to react
21 appropriately to a potential threat.

