

HOUSE BILL NO. 5282

October 26, 2023, Introduced by Reps. Wilson, Rheingans, Dievendorf, Morgan, Tsernoglou and Wegela 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, and 9d (MCL 28.609, 28.609b,
28.609c, and 28.609d), as amended by 2018 PA 552.

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

1 this section and section 9e. An individual who seeks admission to a
2 preservice college basic law enforcement training academy or a
3 regional basic law enforcement training academy or the recognition
4 of prior basic law enforcement training and experience program for
5 purposes of licensure under this section shall submit to
6 fingerprinting as provided in section 11(3).

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

13 (a) Subject to section 9e, training requirements that may be
14 met by completing either of the following:

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

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

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

25 (a).

26 (c) Physical ability.

27 (d) Psychological fitness.

28 (e) Education.

29 (f) Reading and writing proficiency.

1 (g) Minimum age.

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

4 (i) **Both of the following:**

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

8 (ii) **Membership in a hate group or participation in a hate**
9 **group activity or public expression of hate, as determined by a**
10 **background investigation conducted under the law enforcement**
11 **accountability reform act.**

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

14 (k) Employment as a law enforcement officer.

15 (l) The form and manner for execution of a written oath of
16 office by a law enforcement agency with whom the individual is
17 employed, and the content of the written oath conferring authority
18 to act with all of the law enforcement authority described in the
19 laws of this state under which the individual is employed.

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

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

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

28 (b) A law enforcement agency employing an individual licensed
29 under this section authorizes the individual to exercise the law

1 enforcement authority described in the laws of this state under
2 which the individual is employed, by executing a written oath of
3 office.

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

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

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

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

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

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

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

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

1 (7) An individual denied a license under this section shall
2 not exercise the law enforcement authority described in the laws of
3 this state under which the individual is employed. This subsection
4 does not divest the individual of that authority until the
5 individual has been informed that ~~his or her~~ **the individual's**
6 licensure was denied.

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

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

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

18 (c) Maintain an employment history record.

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

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

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

27 (b) The imposition of a personal protection order against that
28 individual after a judicial hearing under section 2950 or 2950a of
29 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and

1 600.2950a, or under the laws of any other jurisdiction, upon being
2 informed of the imposition of such an order, in a manner prescribed
3 in rules promulgated by the commission.

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

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

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

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

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

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

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

29 (c) A license that has been reactivated under this section is

1 valid for all purposes described in this act.

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

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

8 (b) 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 1 year.

12 (c) 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 2 years.

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

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

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

28 (b) The individual obtained the license because another
29 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 PA
14 300, MCL 257.625, if the individual has a prior conviction, as that
15 term is defined in section 625(25)(b) of the Michigan vehicle code,
16 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) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
20 public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

21 (iii) Section 81(4) or 81a or a misdemeanor violation of section
22 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
23 and 750.411h.

24 **(e) An allegation under the law enforcement accountability**
25 **reform act was sustained against the individual.**

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

28 (a) The commission shall initiate license revocation
29 proceedings, including, but not limited to, the issuance of an

1 order of summary suspension and notice of intent to revoke, upon
2 obtaining notice of facts warranting license revocation.

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

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

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

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

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

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

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

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

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

29 Sec. 9b. (1) This section applies only to individuals who are

1 employed as Michigan tribal law enforcement officers in this state
2 and are subject to a written instrument authorizing them to enforce
3 the laws of this state. Conferring authority to enforce the laws of
4 this state to law enforcement officers to whom this section applies
5 is subject to the licensing requirements and procedures of this
6 section and section 9e. An individual who seeks admission to a
7 preservice college basic law enforcement training academy or a
8 regional basic law enforcement training academy or the recognition
9 of prior basic law enforcement training and experience program for
10 purposes of licensure under this section shall submit to
11 fingerprinting as provided in section 11(3).

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

14 (a) Subject to section 9e, training requirements that may be
15 met by completing either 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.

28 (d) Psychological fitness.

29 (e) Education.

1 (f) Reading and writing proficiency.

2 (g) Minimum age.

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

5 (i) **Both of the following:**

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

9 (ii) **Membership in a hate group or participation in a hate**
10 **group activity or public expression of hate, as determined by a**
11 **background investigation conducted under the law enforcement**
12 **accountability reform act.**

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 authority
20 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.

28 (iv) Execution of a written agreement between this state, or a
29 subdivision of this state, and the United States, conferring

1 authority upon the individual to enforce the laws of this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) A requirement that the employing Michigan tribal law
28 enforcement agency report to the commission all personnel
29 transactions affecting employment status in a manner prescribed in

1 rules promulgated by the commission.

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

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

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

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

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

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

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

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

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

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

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

18 (iv) 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 less than 2 years.

23 (b) A law enforcement agency or other governmental agency
24 conferring authority to enforce the laws of this state upon an
25 individual to whom this section applies may reactivate a license
26 rendered inactive by complying with the licensure procedures
27 described in subsection (3), excluding verification of and
28 attestation to compliance with the licensing standards described in
29 subsection (2) (a) to (g).

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

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

6 (a) 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 1 year.

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

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

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

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

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

1 licensure application.

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

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

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

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

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

27 **(e) An allegation under the law enforcement accountability**
28 **reform act was sustained against the individual.**

29 (13) The following procedures and requirements apply to

1 license revocation under this section:

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

6 (b) A hearing for license revocation must be conducted as a
7 contested case under the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

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

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

29 (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. 9c. (1) This section applies only to individuals who are
4 employed as fire arson investigators from fire departments within
5 villages, cities, townships, or counties in this state, who are
6 sworn and fully empowered by the chiefs of police of those
7 villages, cities, townships, or counties. Conferring authority to
8 enforce the laws of this state to law enforcement officers to whom
9 this section applies is subject to the licensing requirements and
10 procedures of this section and section 9e. An individual who seeks
11 admission to a preservice college basic law enforcement training
12 academy or a regional basic law enforcement training academy or the
13 recognition of prior basic law enforcement training and experience
14 program for purposes of licensure under this section shall submit
15 to fingerprinting as provided in section 11(3).

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

18 (a) Subject to section 9e, training requirements that may be
19 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) **Both of the following:**

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 (ii) **Membership in a hate group or participation in a hate**
14 **group activity or public expression of hate, as determined by a**
15 **background investigation conducted under the law enforcement**
16 **accountability reform act.**

17 (j) Whether or not United States citizenship is required for
18 licensure.

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

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

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

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

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

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

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

13 (4) If, upon reviewing the executed affidavit and executed
14 oath of office, the commission determines that the individual
15 complies with the licensing standards, the commission shall grant
16 the individual a license.

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

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

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

26 (c) Supervise additional screening, procedures, examinations,
27 testing, and other means used to determine compliance with the
28 licensing standards.

29 (d) Deny the issuance of a license and inform the chief of

1 police.

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

5 (7) An individual denied a license under this section shall
6 not exercise the law enforcement authority described in the oath of
7 office. This subsection does not divest the individual of that
8 authority until the individual has been informed that ~~his or her~~
9 **the individual's** license was denied.

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

13 (a) Report to the commission all personnel transactions
14 affecting employment status in a manner prescribed in rules
15 promulgated by the commission.

16 (b) Report to the commission concerning any action taken by
17 the chief of police that removes the authority conferred by the
18 oath of office, or that restores the individual's authority to that
19 conferred by the oath of office, in a manner prescribed in rules
20 promulgated by the commission.

21 (c) Maintain an employment history record.

22 (d) Collect, verify, and maintain documentation establishing
23 that the individual complies with the applicable licensing
24 standards.

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

27 (a) Criminal charges for offenses for which that individual's
28 license may be revoked as described in this section, upon being
29 informed of such charges, in a manner prescribed in rules

1 promulgated by the commission.

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

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

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

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

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

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

27 (b) The individual obtained the license because another
28 individual made a materially false oral or written statement or
29 committed fraud in an affidavit, disclosure, or application to a

1 law enforcement training academy, the commission, or a law
2 enforcement agency at any stage of recruitment, selection,
3 appointment, enrollment, training, or licensure application.

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

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

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

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

20 (iii) Section 81(4) or 81a or a misdemeanor violation of section
21 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
22 and 750.411h.

23 **(e) An allegation under the law enforcement accountability**
24 **reform act was sustained against the individual.**

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

27 (a) The commission shall initiate license revocation
28 proceedings, including, but not limited to, issuance of an order of
29 summary suspension and notice of intent to revoke, upon obtaining

1 notice of facts warranting license revocation.

2 (b) A hearing for license revocation must be conducted as a
3 contested case under the administrative procedures act of 1969,
4 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

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

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

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

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

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

28 (a) Are employed as private college security officers under
29 section 37 of the private security business and security alarm act,

1 1968 PA 330, MCL 338.1087.

2 (b) Seek licensure under this act.

3 (c) Are sworn and fully empowered by a chief of police of a
4 village, city, or township law enforcement agency, or are deputized
5 by a county sheriff as a deputy sheriff, excluding deputation as a
6 special deputy.

7 (2) The authority to enforce the laws of this state of private
8 college security officers to whom this section applies is subject
9 to the licensing requirements and procedures of this section and
10 section 9e. An individual who seeks admission to a preservice
11 college basic law enforcement training academy or a regional basic
12 law enforcement training academy or the recognition of prior basic
13 law enforcement training and experience program for purposes of
14 licensure under this section shall submit to fingerprinting as
15 provided in section 11(3).

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

18 (a) Subject to section 9e, training requirements that may be
19 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) **Both of the following:**

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 (ii) **Membership in a hate group or participation in a hate**
14 **group activity or public expression of hate, as determined by a**
15 **background investigation conducted under the law enforcement**
16 **accountability reform act.**

17 (j) Whether or not United States citizenship is required for
18 licensure.

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

25 (l) The form and manner for execution of a written oath of
26 office by the chief of police of a village, city, or township law
27 enforcement agency, or by a county sheriff, and the content of the
28 written oath conferring the authority to enforce the general
29 criminal laws of this state.

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

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

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

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

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

22 (5) If upon reviewing the executed affidavit and oath of
23 office the commission determines that the private college security
24 officer complies with the licensing standards, the commission shall
25 grant the private college security officer a license.

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

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

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

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

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

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

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

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

29 (a) Report to the commission concerning all personnel

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

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

9 (c) Maintain an employment history record.

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

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

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

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

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

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

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

12 (12) A license granted under this section is rendered lapsed,
13 without barring further licensure under this act, if 1 or both of
14 the following occur:

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

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

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

28 (a) The private college security officer obtained the license
29 by making a materially false oral or written statement or

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

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

15 (d) The private college security officer has been subjected to
16 an adjudication of guilt for a violation or attempted violation of
17 1 or more of the following penal laws of this state or another
18 jurisdiction substantially corresponding to the penal laws of this
19 state:

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

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

28 (iii) Section 81(4) or 81a or a misdemeanor violation of section
29 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,

1 and 750.411h.

2 (e) An allegation under the law enforcement accountability
3 reform act was sustained against the private college security
4 officer.

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

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

12 (b) A hearing for license revocation must be conducted as a
13 contested case under the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328.

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

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

24 (e) If the commission issues a final decision or order to
25 revoke a license, that decision or order is subject to judicial
26 review as provided in the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
28 in this section is not a final decision or order for purposes of
29 judicial review.

1 (15) A private college security officer licensed under this
2 section shall not exercise the law enforcement authority described
3 in the oath of office ~~he or she~~ **the private college security**
4 **officer** executed if any of the following occur:

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

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

8 (c) The private college security officer's license is rendered
9 lapsed.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. _____ or House Bill No. 5281 (request no.
12 02640'23) of the 102nd Legislature is enacted into law.