

HOUSE BILL No. 5964

June 1, 2004, Introduced by Reps. Brown, Adamini, Gillard, Milosch, Shackleton, Sheltroun, Kolb, Byrum, Lipsey, Gielegem, Rivet, Gleason, Hummel, Minore, Sak, Dennis, Wenke and Vagnozzi and referred to the Committee on Criminal Justice.

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending section 9 (MCL 28.609), as amended by 1998 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The commission shall promulgate rules to
2 establish law enforcement officer minimum standards. **The rules**
3 **do not apply to a member of a sheriff's posse or a police**
4 **auxiliary temporarily performing his or her duty under the**
5 **direction of the sheriff or police department.** In promulgating
6 the law enforcement officer minimum standards, the commission
7 shall give consideration to the varying factors and special
8 requirements of local police agencies. The law enforcement
9 officer minimum standards shall include all of the following:
10 (a) Minimum standards of physical, educational, mental, and
11 moral fitness that govern the recruitment, selection,

1 appointment, and certification of law enforcement officers.

2 (b) Minimum courses of study, attendance requirements, and
3 instructional hours required at approved police training
4 schools.

5 ~~(c) The rules promulgated under this section shall not apply~~
6 ~~to a member of a sheriff's posse or a police auxiliary~~
7 ~~temporarily performing his or her duty under the direction of the~~
8 ~~sheriff or police department.~~

9 (c) ~~(d)~~ Minimum basic training requirements that a person,
10 excluding sheriffs, shall complete before being eligible for
11 certification under section 9a(1).

12 (2) If a person's certification under section 9a(1) becomes
13 void under section 9a(4)(b), the commission shall waive the
14 requirements described in subsection (1)(b) for certification of
15 the person under section 9a(1) if 1 or more of the following
16 apply:

17 (a) The person has been employed 1 year or less as a
18 commission certified law enforcement officer and is again
19 employed as a law enforcement officer within 1 year after
20 discontinuing employment as a commission certified law
21 enforcement officer.

22 (b) The person has been employed more than 1 year but less
23 than 5 years as a commission certified law enforcement officer
24 and is again employed as a law enforcement officer within 18
25 months after discontinuing employment as a commission certified
26 law enforcement officer.

27 (c) The person has been employed 5 years or more as a

1 commission certified law enforcement officer and is again
2 employed as a law enforcement officer within 2 years after
3 discontinuing employment as a commission certified law
4 enforcement officer.

5 **(d) The person has been employed as a commission certified**
6 **law enforcement officer and is again employed as a law**
7 **enforcement officer after discontinuing employment as a law**
8 **enforcement officer to perform active service in a branch of the**
9 **armed forces of the United States.**

10 **(e) —(d)—** The person has successfully completed the mandatory
11 training and has been continuously employed as a law enforcement
12 officer, but through no fault of that person the employing agency
13 failed to obtain certification for that person as required by
14 this act.

15 (3) The commission shall promulgate rules with respect to all
16 of the following:

17 (a) The categories or classifications of advanced in-service
18 training programs for commission certified law enforcement
19 officers and minimum courses of study and attendance requirements
20 for the categories or classifications.

21 (b) The establishment of subordinate regional training
22 centers in strategic geographic locations in order to serve the
23 greatest number of police agencies that are unable to support
24 their own training programs.

25 (c) The commission's acceptance of certified basic police
26 training and law enforcement experience received by a person in
27 another state in fulfillment in whole or in part of the law

1 enforcement officer minimum standards.

2 (d) The commission's approval of police training schools
3 administered by a city, county, township, village, corporation,
4 college, community college or university.

5 (e) The minimum qualifications for instructors at approved
6 police training schools.

7 (f) The minimum facilities and equipment required at approved
8 police training schools.

9 (g) The establishment of preservice basic training programs
10 at colleges and universities.

11 (h) Acceptance of basic police training and law enforcement
12 experience received by a person in fulfillment in whole or in
13 part of the law enforcement officer minimum standards prepared
14 and published by the commission if both of the following apply:

15 (i) The person successfully completed the basic police
16 training in another state or through a federally operated police
17 training school that was sufficient to fulfill the minimum
18 standards required by federal law to be appointed as a law
19 enforcement officer of a Michigan Indian tribal police force.

20 (ii) The person is or was a law enforcement officer of a
21 Michigan Indian tribal police force for a period of 1 year or
22 more.

23 (4) Except as otherwise provided in this section, a regularly
24 employed person employed on or after January 1, 1977 as a member
25 of a police force having a full-time officer is not empowered to
26 exercise all the authority of a peace officer in this state, or
27 be employed in a position for which the authority of a peace

1 officer is conferred by statute, unless the person has received
2 certification under section 9a(1).

3 (5) A law enforcement officer employed before January 1, 1977
4 may continue his or her employment as a law enforcement officer
5 and participate in training programs on a voluntary or assigned
6 basis but failure to obtain certification under section 9a(1) or
7 (2) is not grounds for dismissal of or termination of that
8 employment as a law enforcement officer. A person who was
9 employed as a law enforcement officer before January 1, 1977 who
10 fails to obtain certification under section 9a(1) and who
11 voluntarily or involuntarily discontinues his or her employment
12 as a law enforcement officer may be employed as a law enforcement
13 officer if he or she was employed 5 years or more as a law
14 enforcement officer and is again employed as a law enforcement
15 officer within 2 years after discontinuing employment as a law
16 enforcement officer.

17 (6) A law enforcement officer of a Michigan Indian tribal
18 police force is not empowered to exercise the authority of a
19 peace officer under the laws of this state and shall not be
20 employed in a position for which peace officer authority is
21 granted under the laws of this state unless all of the following
22 requirements are met:

23 (a) The tribal law enforcement officer is certified under
24 this act.

25 (b) The tribal law enforcement officer is 1 of the
26 following:

27 (i) Deputized by the sheriff of the county in which the trust

1 lands of the Michigan Indian tribe employing the tribal law
2 enforcement officer are located, or by the sheriff of any county
3 that borders the trust lands of that Michigan Indian tribe,
4 pursuant to section 70 of 1846 RS 14, MCL 51.70.

5 (ii) Appointed as a police officer of the state or a city,
6 township, charter township, or village that is authorized by law
7 to appoint individuals as police officers.

8 (c) The deputation or appointment of the tribal law
9 enforcement officer described in subdivision (b) is made pursuant
10 to a written contract that includes terms the appointing
11 authority under subdivision (b) may require between the state or
12 local law enforcement agency and the tribal government of the
13 Michigan Indian tribe employing the tribal law enforcement
14 officer.

15 (d) The written contract described in subdivision (c) is
16 incorporated into a self-determination contract, grant agreement,
17 or cooperative agreement between the United States secretary of
18 the interior and the tribal government of the Michigan Indian
19 tribe employing the tribal law enforcement officer pursuant to
20 the Indian self-determination and education assistance act,
21 Public Law 93-638. ~~—, 88 Stat. 2203.~~

22 (7) The commission may establish an evaluation or testing
23 process, or both, for granting a waiver from the law enforcement
24 officer minimum standards regarding training requirements to a
25 person who has held a certificate under this act and who
26 discontinues employment as a law enforcement officer for a period
27 of time exceeding the time prescribed in subsection ~~-(2)(a) to~~

1 ~~(e)~~ (2) or subsection (5), as applicable.