

SENATE BILL No. 335

March 25, 2003, Introduced by Senator THOMAS and referred to the Committee on Judiciary.

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 **and**
3 **guidelines**. In promulgating the law enforcement officer minimum
4 standards **and guidelines**, the commission shall give consideration
5 to the varying factors and special requirements of local police
6 agencies. The law enforcement officer minimum standards **and**
7 **guidelines** shall include all of the following:

8 (a) Minimum standards of physical, educational, mental, and
9 moral fitness that govern the recruitment, selection,
10 appointment, and certification of law enforcement officers.

11 (b) Minimum courses of study, attendance requirements, and

1 instructional hours required at approved police training
2 schools.

3 (c) Minimum in-service training to maintain certification
4 that shall include courses of instruction on all of the
5 following:

6 (i) Racial profiling.

7 (ii) Understanding of and respect for racial and cultural
8 differences.

9 (iii) Noncombative methods of carrying out law enforcement
10 duties in a racially and culturally diverse environment.

11 (d) ~~-(e)-~~ The rules promulgated under this section shall not
12 apply to a member of a sheriff's posse or a police auxiliary
13 temporarily performing his or her duty under the direction of the
14 sheriff or police department.

15 (e) ~~-(d)-~~ Minimum basic training requirements that a person,
16 excluding sheriffs, shall complete before being eligible for
17 certification under section 9a(1).

18 (f) Guidelines, which shall be made available to all law
19 enforcement agencies and which shall do all of the following:

20 (i) Identify the patterns, practices, and protocols that make
21 up racial profiling.

22 (ii) Make recommendations on the need for updating in-service
23 training programs for law enforcement personnel on racial
24 profiling.

25 (g) Establish mandatory timetables for retraining law
26 enforcement personnel on matters concerning racial and cultural
27 trends.

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

6 (a) The person has been employed 1 year or less as a
7 commission certified law enforcement officer and is again
8 employed as a law enforcement officer within 1 year after
9 discontinuing employment as a commission certified law
10 enforcement officer.

11 (b) The person has been employed more than 1 year but less
12 than 5 years as a commission certified law enforcement officer
13 and is again employed as a law enforcement officer within 18
14 months after discontinuing employment as a commission certified
15 law enforcement officer.

16 (c) The person has been employed 5 years or more as a
17 commission certified law enforcement officer and is again
18 employed as a law enforcement officer within 2 years after
19 discontinuing employment as a commission certified law
20 enforcement officer.

21 (d) The person has successfully completed the mandatory
22 training and has been continuously employed as a law enforcement
23 officer, but through no fault of that person the employing agency
24 failed to obtain certification for that person as required by
25 this act.

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

1 (a) The categories or classifications of advanced in-service
2 training programs for commission certified law enforcement
3 officers and minimum courses of study and attendance requirements
4 for the categories or classifications.

5 (b) The establishment of subordinate regional training
6 centers in strategic geographic locations in order to serve the
7 greatest number of police agencies that are unable to support
8 their own training programs.

9 (c) The commission's acceptance of certified basic police
10 training and law enforcement experience received by a person in
11 another state in fulfillment in whole or in part of the law
12 enforcement officer minimum standards.

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

16 (e) The minimum qualifications for instructors at approved
17 police training schools.

18 (f) The minimum facilities and equipment required at approved
19 police training schools.

20 (g) The establishment of preservice basic training programs
21 at colleges and universities.

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

26 (i) The person successfully completed the basic police
27 training in another state or through a federally operated police

1 training school that was sufficient to fulfill the minimum
2 standards required by federal law to be appointed as a law
3 enforcement officer of a Michigan Indian tribal police force.

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

7 (4) Except as otherwise provided in this section, a regularly
8 employed person employed on or after January 1, 1977 as a member
9 of a police force having a full-time officer is not empowered to
10 exercise all the authority of a peace officer in this state, or
11 be employed in a position for which the authority of a peace
12 officer is conferred by statute, unless the person has received
13 certification under section 9a(1).

14 (5) A law enforcement officer employed before January 1, 1977
15 may continue his or her employment as a law enforcement officer
16 and participate in training programs on a voluntary or assigned
17 basis but failure to obtain certification under section 9a(1) or
18 (2) is not grounds for dismissal of or termination of that
19 employment as a law enforcement officer. A person who was
20 employed as a law enforcement officer before January 1, 1977 who
21 fails to obtain certification under section 9a(1) and who
22 voluntarily or involuntarily discontinues his or her employment
23 as a law enforcement officer may be employed as a law enforcement
24 officer if he or she was employed 5 years or more as a law
25 enforcement officer and is again employed as a law enforcement
26 officer within 2 years after discontinuing employment as a law
27 enforcement officer.

1 (6) A law enforcement officer of a Michigan Indian tribal
2 police force is not empowered to exercise the authority of a
3 peace officer under the laws of this state and shall not be
4 employed in a position for which peace officer authority is
5 granted under the laws of this state unless all of the following
6 requirements are met:

7 (a) The tribal law enforcement officer is certified under
8 this act.

9 (b) The tribal law enforcement officer is 1 of the
10 following:

11 (i) Deputized by the sheriff of the county in which the trust
12 lands of the Michigan Indian tribe employing the tribal law
13 enforcement officer are located, or by the sheriff of any county
14 that borders the trust lands of that Michigan Indian tribe,
15 pursuant to section 70 of 1846 RS 14, MCL 51.70.

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

19 (c) The deputation or appointment of the tribal law
20 enforcement officer described in subdivision (b) is made pursuant
21 to a written contract that includes terms the appointing
22 authority under subdivision (b) may require between the state or
23 local law enforcement agency and the tribal government of the
24 Michigan Indian tribe employing the tribal law enforcement
25 officer.

26 (d) The written contract described in subdivision (c) is
27 incorporated into a self-determination contract, grant agreement,

1 or cooperative agreement between the United States secretary of
2 the interior and the tribal government of the Michigan Indian
3 tribe employing the tribal law enforcement officer pursuant to
4 the Indian self-determination and education assistance act,
5 Public Law 93-638, 88 Stat. 2203.

6 (7) The commission may establish an evaluation or testing
7 process, or both, for granting a waiver from the law enforcement
8 officer minimum standards regarding training requirements to a
9 person who has held a certificate under this act and who
10 discontinues employment as a law enforcement officer for a period
11 of time exceeding the time prescribed in subsection (2)(a) to (c)
12 or subsection (5), as applicable.