

# HOUSE BILL No. 4591

April 12, 2005, Introduced by Reps. Palmer and Virgil Smith and referred to the Committee on Higher Education and Career Preparation.

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending section 2 (MCL 28.602), as amended by 2004 PA 379.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. As used in this act:

2       (a) "Certificate" means a numbered document issued by the  
3       commission to a person who has received certification under this  
4       act.

5       (b) "Certification" means either of the following:

6       (i) A determination by the commission that a person meets the  
7       law enforcement officer minimum standards to be employed as a  
8       commission certified law enforcement officer and that the person is  
9       authorized under this act to be employed as a law enforcement

1 officer.

2 (ii) A determination by the commission that a person was  
3 employed as a law enforcement officer before January 1, 1977 and  
4 that the person is authorized under this act to be employed as a  
5 law enforcement officer.

6 (c) "Commission" means the commission on law enforcement  
7 standards created in section 3.

8 (d) "Contested case" means that term as defined in section 3  
9 of the administrative procedures act of 1969, 1969 PA 306, MCL  
10 24.203.

11 (e) "Executive director" means the executive director of the  
12 commission appointed under section 12.

13 (f) "Felony" means a violation of a penal law of this state or  
14 another state that is either of the following:

15 (i) Punishable by a term of imprisonment greater than 1 year.

16 (ii) Expressly designated a felony by statute.

17 (g) "Fund" means the law enforcement officers training fund  
18 created in section 13.

19 (h) "Law enforcement officer minimum standards" means  
20 standards established by the commission under this act that a  
21 person must meet to be eligible for certification under section  
22 9a(1).

23 (i) "Law enforcement officer of a Michigan Indian tribal  
24 police force" means a regularly employed member of a police force  
25 of a Michigan Indian tribe who is appointed pursuant to former 25  
26 CFR 12.100 to 12.103.

27 (j) "Michigan Indian tribe" means a federally recognized

1 Indian tribe that has trust lands located within this state.

2 (k) "Multicounty metropolitan district" means an entity  
3 authorized and established pursuant to state law by 2 or more  
4 counties with a combined population of not less than 3,000,000, for  
5 the purpose of cooperative planning, promoting, acquiring,  
6 constructing, owning, developing, maintaining, or operating parks.

7 (l) "Police officer" or "law enforcement officer" means, unless  
8 the context requires otherwise, any of the following:

9 (i) A regularly employed member of a law enforcement agency  
10 authorized and established pursuant to law, including common law,  
11 who is responsible for the prevention and detection of crime and  
12 the enforcement of the general criminal laws of this state. Police  
13 officer or law enforcement officer does not include a person  
14 serving solely because he or she occupies any other office or  
15 position.

16 (ii) A law enforcement officer of a Michigan Indian tribal  
17 police force, subject to the limitations set forth in section 9(3).

18 (iii) The sergeant at arms or any assistant sergeant at arms of  
19 either house of the legislature who is commissioned as a police  
20 officer by that respective house of the legislature as provided by  
21 the legislative sergeant at arms police powers act, 2001 PA 185,  
22 MCL 4.381 to 4.382.

23 (iv) A law enforcement officer of a multicounty metropolitan  
24 district, subject to the limitations of section 9(7).

25 (v) A county prosecuting attorney's investigator sworn and  
26 fully empowered by the sheriff of that county.

27 (vi) Until December 31, 2007, a law enforcement officer of a

1 school district in this state that has a membership of at least  
2 20,000 pupils and that includes in its territory a city with a  
3 population of at least 180,000 as of the most recent federal  
4 decennial census.

5 (vii) A fire arson investigator from a fire department within a  
6 city with a population of not less than 750,000 who is sworn and  
7 fully empowered by the city chief of police.

8 (viii) A REGULARLY EMPLOYED LAW ENFORCEMENT OFFICER OF AN  
9 INDEPENDENT, NONPROFIT, COLLEGE OR UNIVERSITY IN THIS STATE WHO IS  
10 RESPONSIBLE FOR THE PREVENTION AND DETECTION OF CRIME AND THE  
11 ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF THIS STATE, IF BOTH OF  
12 THE FOLLOWING APPLY:

13 (A) THE LAW ENFORCEMENT OFFICER OBTAINS HIS OR HER LAW  
14 ENFORCEMENT AUTHORITY BY BEING DEPUTIZED BY A COUNTY SHERIFF OR BY  
15 BEING SWORN AND FULLY EMPOWERED BY A CITY CHIEF OF POLICE OR CHIEF  
16 OF PUBLIC SAFETY UNDER A MUNICIPAL CHARTER OR ORDINANCE.

17 (B) THE LAW ENFORCEMENT OFFICERS OF THAT COLLEGE OR UNIVERSITY  
18 COMMISSION HAD PREVIOUSLY BEEN GRANTED CERTIFICATION UNDER THIS ACT  
19 BY THE COMMISSION AT ANY TIME BEFORE THE EFFECTIVE DATE OF THE 2005  
20 AMENDATORY ACT THAT AMENDED THIS SECTION.

21 (m) "Rule" means a rule promulgated pursuant to the  
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
23 24.328.