

SENATE BILL No. 42

January 25, 2005, 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 establish
2 law enforcement officer minimum standards **AND GUIDELINES**. In
3 promulgating the law enforcement officer minimum standards **AND**
4 **GUIDELINES**, the commission shall give consideration to the varying
5 factors and special requirements of local police agencies. The law
6 enforcement officer minimum standards **AND GUIDELINES** shall include
7 all of the following:

8 (a) Minimum standards of physical, educational, mental, and

1 moral fitness that govern the recruitment, selection, appointment,
2 and certification of law enforcement officers.

3 (b) Minimum courses of study, attendance requirements, and
4 instructional hours required at approved police training 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 temporarily~~
7 ~~performing his or her duty under the direction of the sheriff or~~
8 ~~police department.~~

9 (C) MINIMUM IN-SERVICE TRAINING TO MAINTAIN CERTIFICATION THAT
10 INCLUDES COURSES OF INSTRUCTION ON ALL OF THE FOLLOWING:

11 (i) RACIAL PROFILING.

12 (ii) UNDERSTANDING OF AND RESPECT FOR RACIAL AND CULTURAL
13 DIFFERENCES.

14 (iii) NONCOMBATIVE METHODS OF CARRYING OUT LAW ENFORCEMENT
15 DUTIES IN A RACIALLY AND CULTURALLY DIVERSE ENVIRONMENT.

16 (d) Minimum basic training requirements that a person ~~7~~
17 ~~excluding sheriffs, shall~~ WHO IS NOT A SHERIFF MUST complete before
18 ~~being~~ HE OR SHE IS eligible for certification under section 9a(1).

19 (E) GUIDELINES, WHICH THE COMMISSION SHALL MAKE AVAILABLE TO
20 ALL LAW ENFORCEMENT AGENCIES, THAT DO ALL OF THE FOLLOWING:

21 (i) IDENTIFY THE PATTERNS, PRACTICES, AND PROTOCOLS THAT MAKE
22 UP RACIAL PROFILING.

23 (ii) INCLUDE RECOMMENDATIONS ON THE NEED FOR UPDATING IN-
24 SERVICE TRAINING PROGRAMS FOR LAW ENFORCEMENT PERSONNEL ON RACIAL
25 PROFILING.

26 (F) ESTABLISH MANDATORY TIMETABLES FOR RETRAINING LAW
27 ENFORCEMENT PERSONNEL ON MATTERS CONCERNING RACIAL AND CULTURAL

1 **TRENDS.**

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

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

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

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

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

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

26 (a) The categories or classifications of advanced in-service
27 training programs for commission certified law enforcement officers

1 and minimum courses of study and attendance requirements for the
2 categories or classifications.

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

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

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

14 (e) The minimum qualifications for instructors at approved
15 police training schools.

16 (f) The minimum facilities and equipment required at approved
17 police training schools.

18 (g) The establishment of preservice basic training programs at
19 colleges and universities.

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

24 (i) The person successfully completed the basic police training
25 in another state or through a federally operated police training
26 school that was sufficient to fulfill the minimum standards
27 required by federal law to be appointed as a law enforcement

1 officer of a Michigan Indian tribal police force.

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

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

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

24 (6) A law enforcement officer of a Michigan Indian tribal
25 police force is not empowered to exercise the authority of a peace
26 officer under the laws of this state and shall not be employed in a
27 position for which peace officer authority is granted under the

1 laws of this state unless all of the following requirements are
2 met:

3 (a) The tribal law enforcement officer is certified under this
4 act.

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

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

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

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

20 (d) The written contract described in subdivision (c) is
21 incorporated into a self-determination contract, grant agreement,
22 or cooperative agreement between the United States secretary of the
23 interior and the tribal government of the Michigan Indian tribe
24 employing the tribal law enforcement officer pursuant to the Indian
25 self-determination and education assistance act, Public Law 93-638,
26 88 Stat. 2203.

27 (7) The commission may establish an evaluation or testing

1 process, or both, for granting a waiver from the law enforcement
2 officer minimum standards regarding training requirements to a
3 person who has held a certificate under this act and who
4 discontinues employment as a law enforcement officer for a period
5 of time exceeding the time prescribed in subsection (2)(a) to (c)
6 or subsection (5), as applicable.

7 **(8) RULES PROMULGATED UNDER THIS SECTION DO NOT APPLY TO A**
8 **MEMBER OF A SHERIFF'S POSSE OR A POLICE AUXILIARY TEMPORARILY**
9 **PERFORMING HIS OR HER DUTIES UNDER THE DIRECTION OF THE SHERIFF OR**
10 **POLICE DEPARTMENT.**

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 93rd Legislature are
13 enacted into law:

14 (a) Senate Bill No. 41.

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16 (b) Senate Bill No. 40.

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