

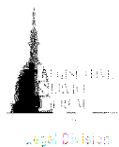
HOUSE BILL NO. 5368

January 21, 2020, Introduced by Reps. Tyrone Carter, Filler, Mueller, Cynthia Johnson, Lasinski, Cambensy, Wittenberg, Byrd, Yancey, Witwer, Brenda Carter, Sabo, Cherry, Shannon, Haadsma, Garrett, Tate, Bolden, Jones and Love and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending section 2 (MCL 28.602), as amended by 2016 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Adjudication of guilt" means any of the following:
- 3 (i) Entry of a judgment or verdict of guilty, or guilty but
- 4 mentally ill, following a trial.
- 5 (ii) Entry of a plea of guilty or nolo contendere.
- 6 (iii) Entry of any of the adjudications specified in



subparagraph (i) or (ii), in conjunction with an order entered under section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or any other order delaying sentence.

(iv) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with an assignment to the status of youthful trainee under the Holmes youthful trainee act, as provided in section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(v) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 7411 of the public health code, 1978 PA 368, MCL 333.7411.

(vi) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(b) "Commission" means the Michigan commission on law enforcement standards created in this act or, by express delegation of the Michigan commission on law enforcement standards, its executive director and staff.

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

(d) "Executive director" means the executive director of the commission appointed under this act.

(e) "Law enforcement agency" means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers.

(f) "Law enforcement officer" means:



1 (i) Except as provided in subparagraph (ii), an individual
2 employed by a law enforcement agency as 1 or more of the following:

3 (A) An individual authorized by law, including common law, to
4 prevent and detect crime and enforce the general criminal laws of
5 this state. This subdivision does not include an individual
6 employed solely because he or she occupies any other office or
7 position.

8 (B) An individual employed as a Michigan tribal law
9 enforcement officer by a federally recognized Indian tribe that has
10 trust lands located within this state, subject to a written
11 instrument authorizing the individual to enforce the laws of this
12 state.

13 (C) The sergeant at arms or any assistant sergeant at arms of
14 either house of the legislature who is commissioned as a police
15 officer by that respective house of the legislature as provided by
16 the legislative sergeant at arms police powers act, 2001 PA 185,
17 MCL 4.381 to 4.382.

18 (D) A law enforcement officer of a law enforcement agency
19 created by a public body under section 3 of the public body law
20 enforcement agency act, 2004 PA 378, MCL 28.583.

21 (E) A county prosecuting attorney's investigator sworn and
22 fully empowered by the sheriff of that county as provided under
23 article VII of the state constitution of 1963 and section 70 of
24 1846 RS 14, MCL 51.70.

25 (F) A fire arson investigator from a fire department within a
26 village, city, township, or county who is sworn and fully empowered
27 by the chief of police of that village, city, township, or county.

28 (G) Officers and investigators appointed by state departments
29 represented on the Michigan highway reciprocity board as provided



1 under section 15 of 1960 PA 124, MCL 3.175.

2 (H) A superintendent, watchperson, or guard appointed or
3 chosen as provided under sections 1 and 3 of 1905 PA 80, MCL 19.141
4 and 19.143.

5 (I) A commissioner or officer of the department of state
6 police as described under section 6 of 1935 PA 59, MCL 28.6.

7 (J) A conservation officer appointed by the department of
8 state police as provided under section 6a of 1935 PA 59, MCL 28.6a.

9 (K) A general law township constable elected or appointed to
10 perform both statutory criminal and civil duties as provided under
11 section 82 of 1846 RS 16, MCL 41.82.

12 (L) An officer appointed to a general law township police
13 department as provided under section 6 of 1951 PA 33, MCL 41.806.

14 (M) A marshal, policeman, watchman, or officer appointed to a
15 charter township police force as provided under section 12 of the
16 charter township act, 1947 PA 359, MCL 42.12.

17 (N) A park ranger appointed by a county or regional parks and
18 recreation commission as provided under section 14 of 1965 PA 261,
19 MCL 46.364.

20 (O) A sheriff elected as provided under section 4 of article
21 VII of the state constitution of 1963 or appointed as provided
22 under section 11 of article V of the state constitution of 1963.

23 (P) An undersheriff or deputy sheriff appointed as provided
24 under section 70 of 1846 RS 14, MCL 51.70.

25 (Q) A police officer appointed by a general law village as
26 provided under section 13 of the general law village act, 1895 PA
27 3, MCL 70.13.

28 (R) A police officer of a home rule village with the authority
29 described in sections 22 and 22b of the home rule village act, 1909

1 PA 278, MCL 78.22 and 78.22b.

2 (S) A marshal serving as chief of police of a fourth class
3 city as provided under section 16 of chapter VII of the fourth
4 class city act, 1895 PA 215, MCL 87.16.

5 (T) A constable of a fourth class city as authorized under
6 section 24 of chapter VII of the fourth class city act, 1895 PA
7 215, MCL 87.24.

8 (U) A police chief, policeman, or night watchman appointed
9 under section 1 of chapter XII of the fourth class city act, 1895
10 PA 215, MCL 92.1.

11 (V) A police officer or constable as authorized under sections
12 3 and 32 to 34a of the home rule city act, 1909 PA 279, MCL 117.3
13 and 117.32 to 117.34a.

14 (W) An airport law enforcement officer, guard, or police
15 officer appointed by a public airport authority as provided under
16 section 116 of the aeronautics code of the state of Michigan, 1945
17 PA 327, MCL 259.116.

18 (X) A conservation officer appointed by the director of the
19 department of natural resources as provided under section 1 of 1986
20 PA 109, MCL 300.21, and as authorized under sections 1501, 1601,
21 and 1606(1) of the natural resources and environmental protection
22 act, 1994 PA 451, MCL 324.1501, 324.1601, and 324.1606.

23 (Y) A public safety officer granted law enforcement officer
24 authority and employed by a department of public safety established
25 under section 1606b of the revised school code, 1976 PA 451, MCL
26 380.1606b.

27 (Z) A public safety officer authorized by a community college
28 as provided under section 128 of the community college act of 1966,
29 1966 PA 331, MCL 389.128.



1 (AA) A public safety officer of a public safety office
2 established by the board of control of Saginaw Valley State
3 University as provided under section 5a of 1965 PA 278, MCL
4 390.715a.

5 (BB) A public safety officer of a higher education institution
6 authorized under section 1 of 1990 PA 120, MCL 390.1511.

7 (CC) An investigator appointed by the attorney general as
8 provided under section 10 of the Medicaid false claim act, 1977 PA
9 72, MCL 400.610.

10 (DD) An investigator appointed by the attorney general under
11 section 35 of 1846 RS 12, MCL 14.35, as described in the opinion of
12 the attorney general, OAG, 1977 No. 5236 (October 20, 1977).

13 (EE) An investigator appointed by the attorney general as
14 provided under section 8 of the health care false claim act, 1984
15 PA 323, MCL 752.1008.

16 (FF) A railroad police officer appointed, commissioned, and
17 acting as provided under section 367 of the railroad code of 1993,
18 1993 PA 354, MCL 462.367.

19 (GG) An inspector appointed under section 13 **of article V** of
20 the motor carrier act, 1933 PA 254, MCL 479.13.

21 (HH) A law enforcement officer licensed under this act whose
22 duties are performed in conjunction with a joinder of 2 or more
23 municipal corporations under 1951 PA 35, MCL 124.1 to 124.13.

24 (II) A law enforcement officer licensed under this act whose
25 duties are performed in conjunction with an interlocal agreement
26 entered into under the urban cooperation act of 1967, 1967 (Ex
27 Sess) PA 7, MCL 124.501 to 124.512.

28 (JJ) A law enforcement officer licensed under this act whose
29 duties are performed in conjunction with a transfer of functions or



responsibilities under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

(KK) A law enforcement officer licensed under this act whose duties have been transferred to an authority and who is given a comparable position of employment with that authority as provided under 1988 PA 57, MCL 124.601 to 124.614.

(LL) A private college security officer appointed under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is licensed under section 9d.

(MM) A transit police officer employed by a public body corporate created pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, between a city and an authority under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.

(ii) "Law enforcement officer" does not include any of the following:

(A) An individual authorized to issue citations as a volunteer as provided under section 675d of the Michigan vehicle code, 1949 PA 300, MCL 257.675d.

(B) A security employee authorized by the director of the department of state police as provided under section 6c of 1935 PA 59, MCL 28.6c.

(C) A motor carrier enforcement officer appointed under section 6d of 1935 PA 59, MCL 28.6d, as qualified under section 5 of 1956 PA 62, MCL 257.955, or as authorized under section 73 of 1990 PA 187, MCL 257.1873.

(D) The director of the department of agriculture or his or her representative granted peace officer authority as provided in section 9h of the motor fuels quality act, 1984 PA 44, MCL



1 290.649h.

2 (E) An agent employed and authorized under section 27 of the
3 private security business and security alarm act, 1968 PA 330, MCL
4 338.1077.

5 (F) An attendance officer granted the powers of a deputy
6 sheriff as provided in section 1571 of the revised school code,
7 1976 PA 451, MCL 380.1571.

8 (G) A park and recreation officer commissioned under section
9 1606(2) of the natural resources and environmental protection act,
10 1994 PA 451, MCL 324.1606.

11 (H) A volunteer conservation officer appointed by the
12 department of natural resources under section 1607 of the natural
13 resources and environmental protection act, 1994 PA 451, MCL
14 324.1607.

15 (I) A state forest officer commissioned under section 83107 of
16 the natural resources and environmental protection act, 1994 PA
17 451, MCL 324.83107.

18 (J) A special deputy appointed under section 70 of 1846 RS 14,
19 MCL 51.70.

20 (K) A limited enforcement officer appointed to conduct salvage
21 vehicle inspections under section 217c of the Michigan vehicle
22 code, 1949 PA 300, MCL 257.217c, who is not otherwise employed as a
23 law enforcement officer.

24 (L) A private security guard or private security police
25 officer licensed under the private security business and security
26 alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, or a private
27 college security officer authorized under section 37 of the private
28 security business and security alarm act, 1968 PA 330, MCL
29 338.1087, who is not licensed under section 9d.

1 (M) The attorney general.

2 (N) The secretary of state.

3 (O) A member of a sheriff's posse.

4 (P) A reserve officer.

5 (Q) An officer or investigator of the department of state
6 designated under section 213 of the Michigan vehicle code, 1949 PA
7 300, MCL 257.213.

8 (R) An authorized agent of the state transportation department
9 or a county road commission performing duties described under
10 section 724 of the Michigan vehicle code, 1949 PA 300, MCL 257.724.

11 (S) An enforcement officer of the aeronautics commission
12 authorized under section 55 of the aeronautics code of the state of
13 Michigan, 1945 PA 327, MCL 259.55.

14 (T) A railroad conductor acting under section 3 of 1913 PA 68,
15 MCL 436.203.

16 (U) An inspector authorized to enforce the Michigan liquor
17 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and
18 rules promulgated by the liquor control commission, under section
19 201 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
20 436.1201.

21 (V) An individual not licensed under this act whose law
22 enforcement duties are performed in conjunction with a joinder of 2
23 or more municipal corporations under 1951 PA 35, MCL 124.1 to
24 124.13.

25 (W) An individual not licensed under this act whose law
26 enforcement duties are performed in conjunction with an interlocal
27 agreement entered into under the urban cooperation act of 1967,
28 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

29 (X) An individual not licensed under this act whose law

1 enforcement duties are performed in conjunction with a transfer of
2 functions or responsibilities under 1967 (Ex Sess) PA 8, MCL
3 124.531 to 124.536.

4 (Y) An individual not licensed under this act whose law
5 enforcement duties have been transferred to an authority and who is
6 given a comparable position of employment with that authority as
7 provided under 1988 PA 57, MCL 124.601 to 124.614.

8 (Z) A marshal appointed under section 11 of 1889 PA 39, MCL
9 455.61, or section 15 of 1929 PA 137, MCL 455.215.

10 (g) "Law enforcement training academy" means any of the
11 following:

12 (i) An agency basic law enforcement training academy.

13 (ii) A preservice college basic law enforcement training
14 academy.

15 (iii) A regional basic law enforcement training academy.

16 (h) "License" means documentation of licensure by the
17 commission under this act. License includes a certificate issued
18 under this act before ~~the effective date of the amendatory act that~~
19 ~~added this definition.~~ **January 2, 2017.**

20 (i) "Licensing standards" means the requirements with which a
21 person must comply for licensure as a law enforcement officer under
22 this act.

23 (j) "Licensure" means a determination by the commission that
24 both of the following occurred in compliance with this act and
25 rules promulgated under this act:

26 (i) The person to whom the license is issued commenced
27 employment as a law enforcement officer, subject to a written oath
28 of office or other written instrument conferring law enforcement
29 authority.



1 (ii) The law enforcement agency employing the individual, or
2 the law enforcement agency or other governmental agency conferring
3 law enforcement authority upon the individual, attested to the
4 commission that the individual complied with the licensing
5 standards.

6 (k) "Michigan tribal law enforcement officer" means an
7 individual employed as a law enforcement officer by a federally
8 recognized Indian tribe that has trust lands located within this
9 state, subject to a written instrument authorizing the individual
10 to enforce the laws of this state.

11 (l) "Rule" means a rule promulgated under the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

