**MICHIGAN JUSTICE TRAINING COMMISSION**
**Act 302 of 1982**

An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 1992, Act 104, Imd. Eff. June 25, 1992.

*The People of the State of Michigan enact:*

## 18.421 Definitions.

Sec. 1. As used in this act:

(a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

(b) "Commission" means the Michigan commission on law enforcement standards created in section 3 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.603, or, by the express delegation of the Michigan commission on law enforcement standards, its executive director and staff.

(c) "Criminal justice in-service training" means a criminal justice program that includes education or training that is designed and intended to enhance the direct delivery of criminal justice services by participants who are authorized to receive education or training as provided in this act.

(d) "Eligible entity" means a governmental agency of the executive branch of this state or a subdivision of this state that is established and maintained in accordance with the laws of this state and that is authorized by the laws of this state to employ or appoint law enforcement officers licensed under sections 9 and 9a of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.609 and 28.609a.

(e) "Grant awards" means funds paid to grantees from the Michigan justice training fund as provided in this act.

(f) "Grantee" means an entity eligible to receive grant awards from the Michigan justice training fund, including any of the following or a combination of any of the following:

(*i*) An agency, department, division, bureau, board, commission, council, or authority of this state or of a city, village, township, or county.

(*ii*) A state-supported college or university.

(*iii*) A community college.

(*iv*) Any agency or entity of the judicial branch of government of this state.

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

(h) "Law enforcement distribution" means funds paid to eligible entities as provided in this act.

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.614.

(j) "MCOLES information and tracking network" means the commission's web-enabled information system for the licensing, reporting, and tracking of personnel and training records for Michigan law enforcement officers.

(k) "Michigan justice training fund" means the Michigan justice training fund created in this act.

(*l*) "Professional association" means a national, state, or local police union, or an association or fraternal organization of police officers, correctional officers, or prosecuting attorneys.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Michigan Justice Training Commission and the Michigan Justice Training Fund from the Department of Management and Budget to the Department of State Police, see E.R.O. No. 1993-5 , compiled at MCL 18.431 of the Michigan Compiled Laws.

For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

## 18.422 Michigan justice training fund; creation; limitation; deposit of investment earnings; use of fund; undistributed funds.

Sec. 2. (1) The Michigan justice training fund is created in the state treasury.

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(2) The Michigan justice training fund shall only be used as provided in this act.

(3) Investment earnings derived from Michigan justice training fund assets shall be deposited into the Michigan justice training fund.

(4) The commission shall use the Michigan justice training fund for the following purposes:

(a) Making law enforcement distributions as provided in this act.

(b) Paying the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act, and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(c) Awarding grants as provided in this act.

(5) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed as law enforcement distributions shall remain in the Michigan justice training fund and may be used in future years for purposes of law enforcement distributions.

(6) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be used for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, shall remain in the Michigan justice training fund and may be used in future fiscal years for those purposes.

(7) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed to fund current or future grant awards shall remain in the Michigan justice training fund and may be used in future fiscal years for that purpose.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

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### 18.423 Annual registration of law enforcement agencies; verification of officers and hours compensated; law enforcement distributions; installments; determination; minimum amount.

Sec. 3. (1) The commission shall conduct an annual registration of law enforcement agencies to verify each agency's roster of full-time and part-time law enforcement officers, and the number of hours for which they were compensated for employment as law enforcement officers in the most recent elapsed calendar year. For purposes of the law enforcement distribution, the reported hours of compensation shall be capped at 2,080 hours for any individual officer.

(2) As part of the annual registration, each law enforcement agency shall indicate to the commission whether it elects to receive law enforcement distributions for the current year. An agency that elects not to receive law enforcement distributions shall not receive them for the current year but must comply with all applicable requirements of this act until all previously received law enforcement distribution funds have been expended or returned as required in this act.

(3) The commission shall annually distribute 60% of the Michigan justice training fund for law enforcement distributions, in 2 semiannual installments, on dates determined by the commission.

(4) The law enforcement distribution shall be made on a per full-time equated basis to eligible entities based on the number of full-time equated law enforcement officers employed. For purposes of this subsection, the number of full-time equated law enforcement officers shall be determined by dividing the total number of hours reported by the eligible entity during the annual registration for which the eligible entity's full-time and part-time law enforcement officers were compensated for employment as law enforcement officers in the most recent elapsed calendar year by 2,080 hours, rounded down to the nearest whole number greater than or equal to 1.

(5) If the Michigan justice training fund has sufficient funds, an eligible entity whose number of full-time equated law enforcement officers does not support a minimum annual distribution of $500.00 shall receive a minimum annual distribution of $500.00.

(6) For each year, the percentage of law enforcement officers who provide direct law enforcement service receiving training under this act shall be equal to or greater than the percentage of law enforcement officers who are in full-time administrative positions receiving training under this act.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1983, Act 184, Imd. Eff. Oct. 25, 1983;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training


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commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

**Administrative rules:** R 18.451 et seq. of the Michigan Administrative Code.

### 18.424 Law enforcement distribution funds; deposit; separate account; expenditure; purposes; conditions; limitation; distribution as supplement; time period; entity no longer in operation; distribution in violation of act; return of unexpended funds within 5 years of receipt.

Sec. 4. (1) Funds received from a law enforcement distribution shall be deposited and maintained in an account separate from all other funds.

(2) An eligible entity shall expend funds from a law enforcement distribution only for the following purposes:

(a) Criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by law enforcement officers.

(b) Direct costs, including all of the following:

(*i*) The actual cost of training materials necessary to, and used solely during, the direct delivery of criminal justice in-service training.

(*ii*) The reasonable rental cost or purchase price of equipment necessary to and used solely during the direct delivery of criminal justice in-service training. An eligible entity shall not make an equipment purchase that exceeds $5,000.00 or 10% of its annual law enforcement distribution without prior written approval of the commission.

(*iii*) The rental of training facilities, only if adequate facilities owned or operated by the eligible entity are not available.

(*iv*) A flat rate, tuition, or subscription paid to a training provider, other than the eligible entity, for the delivery of criminal justice in-service training as provided under this act, only if the training is registered through the MCOLES information and tracking network before the dates on which the training is conducted.

(c) The costs incurred to participate in a criminal justice in-service training program, subject to the following restrictions:

(*i*) For tuition costs for in-state criminal justice in-service training, only if the training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted.

(*ii*) For in-state criminal justice in-service training participant travel reimbursement, only if the criminal justice in-service training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted. For purposes of this restriction, applicable reimbursement rates are those authorized for members of the state classified civil service.

(*iii*) For in-state instructor travel reimbursement. For purposes of this provision, applicable reimbursement rates are those authorized for members of the state classified civil service.

(*iv*) To pay the fees of a training consortium provider for the delivery of criminal justice in-service training to law enforcement officers of the eligible entity. For consortium fees paid as provided in this subparagraph, the eligible entity shall report the actual cost of each course attended. If a consortium fee is paid but the employees of the eligible entity were unable to attend the training, the eligible entity shall report this fact to the commission. The consortium training provider shall provide to the eligible entity an accounting of the training courses delivered to the eligible entity's law enforcement officers.

(d) To pay the following out-of-state criminal justice in-service training expenses, subject to the restrictions set forth in subsection (3):

(*i*) Tuition costs for out-of-state criminal justice in-service training, if the eligible entity submits an out-of-state special use request to the commission and the commission approves the expenditure prior to attendance.

(*ii*) Registration costs for out-of-state training conferences, if the eligible entity submits an out-of-state special use request to the commission, the commission approves the expenditure prior to attendance, and the training is conducted for not less than 6 hours within any 24-hour period.

(*iii*) Travel costs, if for the purpose of participating in a learning experience produced through reading, listening, observing, problem-solving, or interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and judgment directly related to the performance of professional criminal justice tasks currently assigned or assignable.

(*iv*) Travel costs, if required to obtain or maintain skills or certification in a field of specialization related to the execution of the duties of law enforcement officers provided to the general public or related to the execution of administrative duties that enhance the ability of law enforcement officers to perform duties

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provided to the general public.

(3) Funds shall not be distributed under subsection (2)(d) unless both of the following apply:

(a) The course is registered through the MCOLES information and tracking network prior to the dates on which the training is conducted.

(b) One or both of the following:

(*i*) The course provides certification in a field of specialization that is not available in this state.

(*ii*) The course provides instruction that is not available in this state.

(4) An eligible entity shall not expend funds from a law enforcement distribution for any of the following:

(a) Training individuals who are not law enforcement officers.

(b) Travel expenditures in excess of or in violation of the expenditure rates authorized for members of the state classified civil service.

(c) Alcoholic liquor.

(5) For eligible entities that were eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted October 12, 1982, for criminal justice in-service training of the law enforcement officers it employs.

(6) For eligible entities that did not elect to receive or were not eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted for the year immediately preceding the first year for which the eligible entity received law enforcement distributions, for criminal justice in-service training of the law enforcement officers it employs.

(7) An eligible entity receiving a law enforcement distribution shall expend the entire distribution within 2 years after the end of the calendar year in which it was received. If the eligible entity fails to expend the entire distribution within that period, it is not eligible to receive further law enforcement distributions until the entire distribution is expended for criminal justice in-service training, and reported as prescribed by the commission.

(8) If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately return unexpended law enforcement distribution funds in a manner prescribed by the commission. Funds returned as provided in this subsection shall be segregated and shall be used only for law enforcement distributions.

(9) If the commission determines that an eligible entity has expended law enforcement distribution funds in violation of this act, the commission may do either of the following:

(a) Declare the eligible entity ineligible to receive further law enforcement distributions for a period determined by the commission and require it to immediately return the funds expended in violation of this act in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions.

(b) Require the eligible entity to immediately return all unexpended law enforcement distribution funds, in addition to the funds expended in violation of this act. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions.

(10) Beginning with the annual registration that follows the effective date of the amendatory act that added this subsection, funds received in a law enforcement distribution that have not been expended within 5 years after the year in which they were received shall immediately be returned in a manner prescribed by the commission. Funds returned as provided in this subsection shall be segregated and shall be used only for law enforcement distributions.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

### 18.424a Printed materials; statement.

Sec. 4a. Any material printed from funds distributed under this act shall contain a statement that Michigan justice training funds were used to print that material.

**History:** Add. 1989, Act 158, Imd. Eff. July 28, 1989.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

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### 18.425 Law enforcement distribution funds; records of revenues and expenditures; report; final accounting.

Sec. 5. (1) An eligible entity receiving law enforcement distribution funds shall maintain records of law enforcement distribution revenues and expenditures separate from other funding sources.

(2) An eligible entity receiving law enforcement distribution funds shall report to the commission on expenditures of those funds in a manner and on intervals prescribed by the commission. Each criminal justice in-service training program financed in whole or in part by law enforcement distribution funds shall be separately identified.

(3) If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately provide the commission with a final accounting of expenditures of law enforcement distribution funds for all years since the eligible entity last reported.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

### 18.426 Grants; policies and procedures.

Sec. 6. The following policies and procedures apply to issuing grants under this act:

(a) The commission shall not award grants to a professional association.

(b) The commission may award grants using written grant agreements to which the commission and grantee are parties.

(c) Grantees shall submit applications for grant awards to the commission in the manner prescribed by the commission. The commission shall publish grant application procedures.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

### 18.427 Expenditure of funds by grantee.

Sec. 7. (1) A grantee shall expend funds from a grant award only as follows:

(a) To provide criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by employees of the grantee or by employees of other grantees.

(b) To provide criminal justice in-service training presented by a grantee or by a contractual service provider retained by a grantee.

(c) To pay the actual cost of criminal justice in-service training materials necessary to, and used during, the direct delivery of criminal justice in-service training.

(d) To pay the reasonable rental cost or purchase price of equipment necessary to, and used solely during, the direct delivery of criminal justice in-service training.

(e) To pay the reasonable hourly salaries of instructors and developers for actual time spent developing, preparing, and delivering criminal justice in-service training.

(2) A grantee shall not expend funds from a grant award for any of the following:

(a) Travel expenditures in excess of the expenditure rates authorized for members of the state classified civil service.

(b) Travel costs incurred to participate in a criminal justice in-service training program, unless the program is solely for criminal justice in-service training for which the expenditure of grant funds is authorized under this act.

(c) Alcoholic liquor.

(d) Expenditures related to criminal justice in-service training courses for which grant funding has not been approved.

(e) Expenditures for goods and activities not related to criminal justice in-service training.

(3) If the commission determines that a grantee has expended grant award funds in violation of this act, the commission may do either of the following:

(a) Declare the grantee ineligible to receive further grant awards for a period to be determined by the commission.

(b) Terminate 1 or more grant awards, and require the grantee to immediately return grant award funds

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expended in violation of this act, in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or for grant awards.

(4) If a grantee is no longer operating, the unit of government with which it is affiliated, or any other constituent or successor entity of the grantee, shall immediately provide the commission with a final accounting of all expenses incurred for criminal justice in-service training that was delivered, and the commission shall terminate all current grant awards.

**History:** Add. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** Former MCL 18.427, which provided for the repeal of Act 302 of 1982, was repealed by Act 364 of 1984, Eff. Mar. 29, 1985.

### 18.428 Grant award; records of revenues and expenditures; funds received from Michigan justice training fund.

Sec. 8.

(1) A grantee receiving a grant award as provided in this act shall maintain records of grant revenues and expenditures separate from other funding sources.

(2) A grantee receiving a grant award as provided in this act shall report to the commission all expenditures of funds received from the Michigan justice training fund, in a manner and at intervals prescribed by the commission. Each training program financed in whole or in part by a grant award from the Michigan justice training fund shall be separately identified in the report.

**History:** 1982, Act 302, Imd. Eff. Oct. 12, 1982;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

### 18.428a Criminal justice in-service training courses; registration; report.

Sec. 8a. (1) Criminal justice in-service training courses shall be registered through the MCOLES information and tracking network. If a course is not registered through the MCOLES information and tracking network, law enforcement distribution funds and grant award funds shall not be expended for the costs of those courses.

(2) Eligible entities and grantees shall report to the commission the training participants who attended each training session for which funding was provided in whole or in part by this act, in a manner and at intervals prescribed by the commission.

**History:** Add. 2016, Act 290, Eff. Jan. 2, 2017.

### 18.429 Audit of books, records, and accounts.

Sec. 9. The books, records, and accounts pertaining to the Michigan justice training fund may be subject to audit by the auditor general every 2 years.

**History:** Add. 1989, Act 158, Imd. Eff. July 28, 1989;—Am. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.

### 18.430 Rules.

Sec. 10. The commission may promulgate rules governing the administration and use of the Michigan justice training fund.

**History:** Add. 2016, Act 290, Eff. Jan. 2, 2017.

**Compiler's note:** Former MCL 18.430, which pertained to the repeal of the act effective July 29, 1993, was repealed by Act 104 of 1992, Imd. Eff. June 25, 1992.

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