

SUBSTITUTE FOR
SENATE BILL NO. 553

A bill to amend 1965 PA 203, entitled "Michigan law enforcement officers training council act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605, 28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614, and 28.615), section 2 as amended by 1995 PA 204, section 3 as amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and section 11 as amended by 1985 PA 15, and by adding sections 9a, 9b, 9c, and 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the creation of ~~a law enforcement~~

3

~~officers training council~~ THE COMMISSION ON POLICE STANDARDS; TO

4

PRESCRIBE ITS MEMBERSHIP, POWERS, AND DUTIES; TO PRESCRIBE THE

5

REPORTING RESPONSIBILITIES OF CERTAIN STATE AND LOCAL AGENCIES;

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1 to provide for additional costs in criminal cases; ~~and~~ TO
2 PROVIDE FOR the establishment of the law enforcement officers
3 training fund; and TO PROVIDE FOR DISBURSEMENT OF allocations
4 ~~therefrom~~ FROM THE LAW ENFORCEMENT OFFICERS TRAINING FUND to
5 local agencies of government participating in a police training
6 program.

7 Sec. 1. This act shall be known and may be cited as the
8 ~~"Michigan law enforcement officers training council act of~~
9 ~~1965"~~ "COMMISSION ON POLICE STANDARDS ACT".

10 Sec. 2. As used in this act:

11 (A) "CERTIFICATE" MEANS A NUMBERED DOCUMENT ISSUED BY THE
12 COMMISSION TO A PERSON WHO HAS RECEIVED CERTIFICATION UNDER THIS
13 ACT.

14 (B) "CERTIFICATION" MEANS EITHER OF THE FOLLOWING:

15 (i) A DETERMINATION BY THE COMMISSION THAT A PERSON MEETS
16 THE LAW ENFORCEMENT OFFICER MINIMUM STANDARDS TO BE EMPLOYED AS A
17 COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER AND THAT THE PERSON
18 IS AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A LAW ENFORCEMENT
19 OFFICER.

20 (ii) A DETERMINATION BY THE COMMISSION THAT A PERSON WAS
21 EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977 AND
22 THAT THE PERSON IS AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A
23 LAW ENFORCEMENT OFFICER.

24 (C) ~~(a) "Council"~~ "COMMISSION" means the ~~law enforcement~~
25 ~~council~~ COMMISSION ON POLICE STANDARDS created in section 3.

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1 (D) "CONTESTED CASE" MEANS THAT TERM AS DEFINED IN SECTION 3
2 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
3 24.203.

4 (E) ~~(b)~~ "Executive ~~secretary~~ DIRECTOR" means the execu-
5 tive ~~secretary~~ DIRECTOR of the ~~council~~ COMMISSION appointed
6 under section 12.

7 (F) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE
8 OR ANOTHER STATE THAT IS EITHER OF THE FOLLOWING:

9 (i) PUNISHABLE BY A TERM OF IMPRISONMENT GREATER THAN 1
10 YEAR.

11 (ii) EXPRESSLY DESIGNATED A FELONY BY STATUTE.

12 (G) "FUND" MEANS THE LAW ENFORCEMENT OFFICERS TRAINING FUND
13 CREATED IN SECTION 13.

14 (H) "LAW ENFORCEMENT OFFICER MINIMUM STANDARDS" MEANS STAN-
15 DARDS ESTABLISHED BY THE COMMISSION UNDER THIS ACT THAT A PERSON
16 MUST MEET TO BE ELIGIBLE FOR CERTIFICATION UNDER SECTION 9A(1).

17 (I) ~~(c)~~ "Law enforcement officer of a Michigan Indian
18 tribal police force" means a regularly employed member of a
19 police force of a Michigan Indian tribe who is appointed pursuant
20 to 25 C.F.R. 12.100 to 12.103.

21 (J) ~~(d)~~ "Michigan Indian tribe" means a federally recog-
22 nized Indian tribe that has trust lands located within this
23 state.

24 (K) ~~(e)~~ "Police officer" or "law enforcement officer"
25 means, unless the context requires otherwise, either of the
26 following:

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1 (i) A REGULARLY EMPLOYED member of a police force or other
2 organization of a city, county, township, or village, or of the
3 state, ~~regularly employed as such,~~ who is responsible for the
4 prevention and detection of crime and the enforcement of the gen-
5 eral criminal laws of this state. ~~, but~~ POLICE OFFICER OR LAW
6 ENFORCEMENT OFFICER does not include a person serving ~~as such~~
7 solely ~~by virtue of his or her occupying~~ BECAUSE HE OR SHE
8 OCCUPIES any other office or position.

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

12 (1) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
13 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
14 24.328.

15 Sec. 3. (1) The ~~law enforcement council~~ COMMISSION ON
16 POLICE STANDARDS is created to carry out the intent of this act.
17 ~~and to consist of 11 members selected as follows:~~

18 (2) THE COMMISSION CONSISTS OF THE FOLLOWING 11 MEMBERS:

19 (a) The attorney general, or his or her designated
20 representative.

21 (b) The ~~commissioner~~ DIRECTOR of THE DEPARTMENT OF state
22 police, or his or her designated representative.

23 (C) NINE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE
24 AND CONSENT OF THE SENATE, AS FOLLOWS:

25 (i) ~~(c)~~ Three ~~members appointed to the council by the~~
26 ~~governor~~ INDIVIDUALS SELECTED from a list of 6 active VOTING

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1 members OF AND submitted by the Michigan association of chiefs of
2 police OR ITS SUCCESSOR ORGANIZATION.

3 (ii) ~~(d) Three members appointed to the council by the~~
4 ~~governor~~ INDIVIDUALS SELECTED from a list of 6 ~~active law~~
5 ~~enforcement officials~~ ELECTED SHERIFFS submitted by the Michigan
6 sheriffs association OR ITS SUCCESSOR ORGANIZATION.

7 (iii) ~~(e) One member appointed to the council by the~~
8 ~~governor~~ INDIVIDUAL SELECTED from a list of 3 names submitted by
9 THE MICHIGAN CHAPTER OF the fraternal order of the police OR ITS
10 SUCCESSOR ORGANIZATION.

11 (iv) ~~(f) One member appointed to the council by the~~
12 ~~governor~~ INDIVIDUAL SELECTED from a list of 3 names submitted by
13 the police officers association of Michigan OR ITS SUCCESSOR
14 ORGANIZATION.

15 (v) ~~(g) One member appointed to the council by the~~
16 ~~governor~~ INDIVIDUAL SELECTED from a list of 3 ~~names~~
17 INDIVIDUALS submitted by the Detroit police officers associations
18 OR THEIR SUCCESSOR ORGANIZATIONS.

19 (D) AN INDIVIDUAL SELECTED UNDER SUBDIVISION (C) SHALL SERVE
20 AS A COMMISSION MEMBER ONLY WHILE SERVING AS A MEMBER OF THE
21 RESPECTIVE ORGANIZATIONS IN SUBPARAGRAPHS (i) TO (v).

22 (3) ~~(2) All appointments made by the governor under this~~
23 ~~act are subject to the advice and consent of the senate.~~ THE
24 TERMS OF THE MEMBERS OF THE LAW ENFORCEMENT OFFICERS TRAINING
25 COUNCIL EXPIRE ON THE DATE THAT ALL MEMBERS OF THE COMMISSION ON
26 POLICE STANDARDS ARE APPOINTED.

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1 Sec. 4. (1) ~~All~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SUBSECTION, members of the ~~council~~ COMMISSION APPOINTED UNDER
3 SECTION 3(2)(C) shall hold office for a term of 3 years. ~~—~~
4 ~~except that of~~ OF the members ~~first~~ INITIALLY appointed from
5 THE LIST OF nominees submitted by the Michigan association of
6 chiefs of police, ~~and the nominees submitted by the Michigan~~
7 ~~sheriffs association~~— 1 MEMBER shall be appointed for A TERM OF
8 3 years, 1 MEMBER SHALL BE APPOINTED for A TERM OF 2 years, and 1
9 MEMBER SHALL BE APPOINTED for A TERM OF 1 year. OF THE MEMBERS
10 INITIALLY APPOINTED FROM THE LIST OF NOMINEES SUBMITTED BY THE
11 MICHIGAN SHERIFFS' ASSOCIATION, 1 MEMBER SHALL BE APPOINTED FOR A
12 TERM OF 3 YEARS, 1 MEMBER SHALL BE APPOINTED FOR A TERM OF 2
13 YEARS, AND 1 MEMBER SHALL BE APPOINTED FOR A TERM OF 1 YEAR.

14 (2) A vacancy ON THE COMMISSION caused by expiration of a
15 term or termination of ~~his~~ A MEMBER'S official position in law
16 enforcement shall be filled in the same manner as the original
17 appointment.

18 (3) A member appointed to fill a vacancy created other than
19 by expiration of a term shall be appointed for the unexpired term
20 of the member who he OR SHE is to succeed in the same manner as
21 the original appointment. ~~Any~~ A member may be reappointed for
22 additional terms.

23 Sec. 5. (1) The ~~council~~ COMMISSION shall ~~designate~~
24 ELECT from among its members a ~~chairman~~ CHAIRPERSON and a
25 ~~vice-chairman~~ VICE-CHAIRPERSON who shall serve for 1-year terms
26 and who may be ~~re-elected~~ REELECTED.

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1 (2) Membership on the ~~council shall~~ COMMISSION DOES not
2 constitute holding a public office, and members of the ~~council~~
3 ~~shall not be~~ COMMISSION ARE NOT required to take and file oaths
4 of office before serving on the ~~council~~ COMMISSION.

5 (3) The ~~council shall~~ COMMISSION DOES not have the right
6 to exercise any portion of the sovereign power of the state.

7 (4) ~~No~~ A member of the ~~council shall be~~ COMMISSION IS
8 NOT disqualified from holding any public office or employment by
9 reason of his OR HER appointment or membership on the ~~council,~~
10 ~~nor~~ COMMISSION AND shall ~~he~~ NOT forfeit any ~~such~~ PUBLIC
11 office or employment ~~, by reason~~ BECAUSE of his OR HER appoint-
12 ment ~~hereunder~~ TO THE COMMISSION, notwithstanding ~~the provi-~~
13 ~~sions of~~ any general, special, or local law, ordinance, or city
14 charter.

15 Sec. 6. (1) The ~~council~~ COMMISSION shall meet not less
16 than 4 times in each year ~~at Lansing~~ and shall hold special
17 meetings when called by the chairperson or, in the absence of the
18 chairperson, by the vice-chairperson. ~~or when~~ A SPECIAL MEETING
19 OF THE COMMISSION SHALL BE called by the chairperson upon the
20 written request of 5 members of the ~~council~~ COMMISSION.

21 (2) The ~~council~~ COMMISSION shall establish its own proce-
22 dures and requirements with respect to quorum, place and conduct
23 of its ~~meeting~~ MEETINGS, and other matters.

24 (3) ~~(2)~~ The COMMISSION'S business ~~which the council may~~
25 ~~perform~~ shall be conducted ~~at a public meeting of the council~~
26 ~~held~~ in compliance with ~~Act No. 267 of the Public Acts of 1976,~~
27 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws~~

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1 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. Public
2 notice of the time, date, and place of the meeting shall be given
3 in the manner required by ~~Act No. 267 of the Public Acts of~~
4 ~~1976~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

5 Sec. 7. The ~~council~~ COMMISSION shall make an annual
6 report to the governor ~~which will include~~ THAT INCLUDES perti-
7 nent data regarding the LAW ENFORCEMENT OFFICER MINIMUM standards
8 ~~established~~ and the degree of participation of municipalities
9 in the training programs.

10 Sec. 8. The members of the ~~council~~ COMMISSION shall serve
11 without compensation. ~~but shall be~~ THE MEMBERS OF THE COMMIS-
12 SION ARE entitled to their actual expenses in attending meetings
13 and in the performance of their OFFICIAL duties. ~~hereunder.~~

14 Sec. 9. (1) The ~~council~~ COMMISSION shall ~~prepare and~~
15 ~~publish~~ PROMULGATE RULES TO ESTABLISH LAW ENFORCEMENT OFFICER
16 minimum ~~employment~~ standards. ~~with due~~ IN PROMULGATING THE
17 LAW ENFORCEMENT OFFICER MINIMUM STANDARDS, THE COMMISSION SHALL
18 GIVE consideration to THE varying factors and special require-
19 ments of local police agencies. ~~relative to~~ THE LAW ENFORCEMENT
20 OFFICER MINIMUM STANDARDS SHALL INCLUDE ALL OF THE FOLLOWING:

21 (a) Minimum standards of physical, educational, mental, and
22 moral fitness that govern the recruitment, selection, ~~and~~
23 appointment, AND CERTIFICATION of police officers.

24 ~~(b) The approval of police training schools administered by~~
25 ~~a city, county, township, village, or corporation.~~

26 (B) ~~(c)~~ Minimum courses of study, attendance requirements,
27 ~~of at least 240~~ AND instructional hours ~~, equipment, and~~

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1 ~~facilities~~ INCLUDING NOT LESS THAN 4 INSTRUCTIONAL HOURS ON
2 CRIME VICTIM'S RIGHTS UNDER SECTION 24 OF ARTICLE I OF THE STATE
3 CONSTITUTION OF 1963 AND THE CRIME VICTIM'S RIGHTS ACT, 1985 PA
4 87, MCL 780.751 TO 780.834, required at approved ~~city, county,~~
5 ~~township, village, or corporation~~ police training schools.

6 ~~(d) The requirements in subdivision (c) shall be waived if~~
7 ~~any of the following occur:~~

8 ~~(i) The person has previously completed the mandatory train-~~
9 ~~ing requirements and served 1 year or less as a law enforcement~~
10 ~~officer, has voluntarily or involuntarily discontinued his or her~~
11 ~~service as a law enforcement officer, and within 1 year after~~
12 ~~discontinuing that service is again employed as a law enforcement~~
13 ~~officer.~~

14 ~~(ii) The person has served more than 1 year but less than 5~~
15 ~~years as a law enforcement officer, has previously completed the~~
16 ~~mandatory training requirements, and is again employed as a law~~
17 ~~enforcement officer within 18 months after discontinuing service~~
18 ~~as a law enforcement officer.~~

19 ~~(iii) The person has served 5 years or more as a law~~
20 ~~enforcement officer and is again employed as a law enforcement~~
21 ~~officer within 2 years after discontinuing service as a law~~
22 ~~enforcement officer.~~

23 ~~(iv) The person is a member of a sheriff's posse or police~~
24 ~~auxiliary temporarily engaged in the performance of his or her~~
25 ~~duties under the direction of the sheriff or police department.~~

26 ~~(e) Minimum qualifications for instructors at approved~~
27 ~~police training schools.~~

1 (C) THE RULES PROMULGATED UNDER THIS SECTION SHALL NOT APPLY
2 TO A MEMBER OF A SHERIFF'S POSSE OR A POLICE AUXILIARY TEMPORAR-
3 ILY PERFORMING HIS OR HER DUTY UNDER THE DIRECTION OF THE SHERIFF
4 OR POLICE DEPARTMENT.

5 (D) ~~(f)~~ Minimum basic training requirements that a person,
6 excluding sheriffs, shall complete before being eligible for
7 ~~employment as a law enforcement officer~~ CERTIFICATION UNDER
8 SECTION 9A(1).

9 (2) IF A PERSON'S CERTIFICATION UNDER SECTION 9A(1) BECOMES
10 VOID UNDER SECTION 9A(4)(B), THE COMMISSION SHALL WAIVE THE
11 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(B) FOR CERTIFICATION OF
12 THE PERSON UNDER SECTION 9A(1) IF 1 OR MORE OF THE FOLLOWING
13 APPLY:

14 (A) THE PERSON HAS BEEN EMPLOYED 1 YEAR OR LESS AS A COMMISS-
15 SION CERTIFIED LAW ENFORCEMENT OFFICER AND IS AGAIN EMPLOYED AS A
16 LAW ENFORCEMENT OFFICER WITHIN 1 YEAR AFTER DISCONTINUING EMPLOY-
17 MENT AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER.

18 (B) THE PERSON HAS BEEN EMPLOYED MORE THAN 1 YEAR BUT LESS
19 THAN 5 YEARS AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER
20 AND IS AGAIN EMPLOYED AS A LAW ENFORCEMENT OFFICER WITHIN 18
21 MONTHS AFTER DISCONTINUING EMPLOYMENT AS A COMMISSION CERTIFIED
22 LAW ENFORCEMENT OFFICER.

23 (C) THE PERSON HAS BEEN EMPLOYED 5 YEARS OR MORE AS A COM-
24 MISSION CERTIFIED LAW ENFORCEMENT OFFICER AND IS AGAIN EMPLOYED
25 AS A LAW ENFORCEMENT OFFICER WITHIN 2 YEARS AFTER DISCONTINUING
26 EMPLOYMENT AS A COMMISSION CERTIFIED LAW ENFORCEMENT OFFICER.

(D) THE PERSON HAS SUCCESSFULLY COMPLETED THE MANDATORY
TRAINING AND HAS BEEN CONTINUOUSLY EMPLOYED AS A LAW ENFORCEMENT
OFFICER, BUT THROUGH NO FAULT OF THAT PERSON THE EMPLOYING AGENCY
FAILED TO OBTAIN CERTIFICATION FOR THAT PERSON AS REQUIRED BY THIS
ACT.

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1 (3) THE COMMISSION SHALL PROMULGATE RULES WITH RESPECT TO
2 ALL OF THE FOLLOWING:

3 (A) ~~(g) Categories~~ THE CATEGORIES or classifications of
4 advanced in-service training programs FOR COMMISSION CERTIFIED
5 LAW ENFORCEMENT OFFICERS and minimum courses of study and
6 attendance requirements for ~~these~~ THE categories or
7 classifications.

8 (B) ~~(h)~~ The establishment of subordinate regional training
9 centers in strategic geographic locations in order to serve the
10 greatest number of police agencies that are unable to support
11 their own training programs.

12 (C) ~~(i) Acceptance~~ THE COMMISSION'S ACCEPTANCE of certi-
13 fied basic police training and law enforcement experience
14 received by a person in another state in fulfillment in whole or
15 in part of the LAW ENFORCEMENT OFFICER minimum ~~employment~~
16 standards. ~~prepared and published by the council.~~

17 (D) THE COMMISSION'S APPROVAL OF POLICE TRAINING SCHOOLS
18 ADMINISTERED BY A CITY, COUNTY, TOWNSHIP, VILLAGE, OR
19 CORPORATION.

20 (E) THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS AT APPROVED
21 POLICE TRAINING SCHOOLS.

22 (F) THE MINIMUM FACILITIES AND EQUIPMENT REQUIRED AT
23 APPROVED POLICE TRAINING SCHOOLS.

24 (G) THE ESTABLISHMENT OF PRESERVICE BASIC TRAINING PROGRAMS
25 AT COLLEGES AND UNIVERSITIES.

26 (H) ~~(j)~~ Acceptance of basic police training and law
27 enforcement experience received by a person in fulfillment in

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1 whole or in part of the LAW ENFORCEMENT OFFICER minimum
2 ~~employment~~ standards prepared and published by the ~~council~~
3 COMMISSION if both of the following apply:

4 (i) The person successfully completed the basic police
5 training in another state or through a federally operated police
6 training school that was sufficient to fulfill the minimum
7 ~~employment~~ standards required by federal law to be appointed as
8 a law enforcement officer of a Michigan Indian tribal police
9 force.

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

13 (4) ~~(2)~~ Except as otherwise provided in this ~~act~~
14 SECTION, a regularly employed person employed on or after
15 January 1, 1977 as a member of a police force having a full-time
16 officer is not empowered to exercise all the authority of a peace
17 officer in this state, or be employed in a position for which the
18 authority of a peace officer is conferred by statute, unless the
19 person has ~~complied with the minimum employment standards pre-~~
20 ~~pared and published by the council pursuant to this section-~~
21 RECEIVED CERTIFICATION UNDER SECTION 9A(1). ~~Law~~

22 (5) A LAW enforcement ~~officers~~ OFFICER employed before
23 January 1, 1977 ~~,~~ may continue ~~their~~ HIS OR HER employment AS
24 A LAW ENFORCEMENT OFFICER and participate in training programs on
25 a voluntary or assigned basis but failure to ~~meet the standards~~
26 ~~described in this subsection shall~~ OBTAIN CERTIFICATION UNDER
27 SECTION 9A(1) OR (2) IS not ~~be~~ grounds for dismissal of or

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1 termination of THAT employment ~~. A~~ AS A law enforcement
2 officer. A PERSON WHO WAS employed AS A LAW ENFORCEMENT OFFICER
3 before January 1, 1977 who fails to ~~meet the minimum employment~~
4 ~~standards established pursuant to this section~~ OBTAIN CERTIFICA-
5 TION UNDER SECTION 9A(1) and who voluntarily or involuntarily
6 discontinues his or her ~~work~~ EMPLOYMENT as a law enforcement
7 officer may be employed ~~with~~ AS a law enforcement ~~agency if~~
8 ~~that officer meets the requirements of subsection (1)(d)(iii)~~
9 OFFICER IF HE OR SHE WAS EMPLOYED 5 YEARS OR MORE AS A LAW
10 ENFORCEMENT OFFICER AND IS AGAIN EMPLOYED AS A LAW ENFORCEMENT
11 OFFICER WITHIN 2 YEARS AFTER DISCONTINUING EMPLOYMENT AS A LAW
12 ENFORCEMENT OFFICER.

13 (6) ~~(3)~~ A law enforcement officer of a Michigan Indian
14 tribal police force is not empowered to exercise the authority of
15 a peace officer under the laws of this state and shall not be
16 employed in a position for which peace officer authority is
17 granted under the laws of this state unless all of the following
18 requirements are met:

19 (a) The tribal law enforcement officer is certified under
20 this act.

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

23 (i) Deputized by the sheriff of the county in which the
24 trust lands of the Michigan Indian tribe employing the tribal law
25 enforcement officer are located, or by the sheriff of any county
26 that borders the trust lands of that Michigan Indian tribe,
27 pursuant to section 70 of ~~chapter 14 of the Revised Statutes of~~

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1 ~~1846, being section 51.70 of the Michigan Compiled Laws~~ 1846 RS
2 14, MCL 51.70.

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

6 (c) The deputation or appointment of the tribal law enforce-
7 ment officer described in subdivision (b) is made pursuant to a
8 written contract that ~~shall include whatever~~ INCLUDES terms the
9 appointing authority under subdivision (b) may require between
10 the state or local law enforcement agency and the tribal govern-
11 ment of the Michigan Indian tribe employing the tribal law
12 enforcement officer.

13 (d) The written contract described in subdivision (c) is
14 incorporated into a self-determination contract, grant agreement,
15 or cooperative agreement between the United States secretary of
16 the interior and the tribal government of the Michigan Indian
17 tribe employing the tribal law enforcement officer pursuant to
18 the Indian self-determination and education assistance act, ~~of~~
19 ~~1975,~~ Public Law 93-638, 88 Stat. 2203.

20 (7) ~~(4)~~ The ~~council~~ COMMISSION may establish an evalu-
21 ation or testing process, or both, for ~~the purpose of~~ granting
22 a waiver ~~of the mandatory~~ FROM THE LAW ENFORCEMENT OFFICER MIN-
23 IMUM STANDARDS REGARDING training requirements to ~~those law~~
24 ~~enforcement officers who have been certified~~ A PERSON WHO HAS
25 HELD A CERTIFICATE under this act and who ~~discontinue service~~
26 DISCONTINUES EMPLOYMENT as a law enforcement officer for a period

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1 of time exceeding the time prescribed in subsection ~~(1)(d)(i),~~
2 ~~(ii), or (iii)~~ (2)(A) TO (C) OR SUBSECTION (5), AS APPLICABLE.

3 SEC. 9A. (1) THE COMMISSION SHALL GRANT CERTIFICATION TO A
4 PERSON WHO MEETS THE LAW ENFORCEMENT OFFICER MINIMUM STANDARDS AT
5 THE TIME HE OR SHE IS EMPLOYED AS A LAW ENFORCEMENT OFFICER.

6 (2) THE COMMISSION SHALL GRANT CERTIFICATION TO A PERSON WHO
7 WAS EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977
8 AND WHO FAILS TO MEET THE LAW ENFORCEMENT OFFICER MINIMUM STAN-
9 DARDS IF THE PERSON IS AUTHORIZED TO BE EMPLOYED AS A LAW
10 ENFORCEMENT OFFICER UNDER SECTION 9.

11 (3) THE COMMISSION SHALL GRANT CERTIFICATION TO AN ELECTED
12 SHERIFF, WHICH CERTIFICATION SHALL REMAIN VALID ONLY WHILE THAT
13 SHERIFF IS IN OFFICE.

14 (4) CERTIFICATION GRANTED TO A PERSON UNDER THIS ACT IS
15 VALID UNTIL EITHER OF THE FOLLOWING OCCURS:

16 (A) THE CERTIFICATION IS REVOKED.

17 (B) THE CERTIFICATION BECOMES VOID BECAUSE THE PERSON DIS-
18 CONTINUES HIS OR HER EMPLOYMENT AS A COMMISSION CERTIFIED LAW
19 ENFORCEMENT OFFICER.

20 (5) THE COMMISSION SHALL ISSUE A CERTIFICATE TO A PERSON WHO
21 HAS RECEIVED CERTIFICATION. A CERTIFICATE ISSUED TO A PERSON
22 REMAINS THE PROPERTY OF THE COMMISSION.

23 (6) UPON REQUEST OF THE COMMISSION, A PERSON WHOSE CERTIFI-
24 CATION IS REVOKED, OR BECOMES VOID BECAUSE THE PERSON DISCONTIN-
25 UES HIS OR HER EMPLOYMENT AS A COMMISSION CERTIFIED LAW ENFORCE-
26 MENT OFFICER, SHALL RETURN TO THE COMMISSION THE CERTIFICATE ISSUED
27 TO THE PERSON. A VIOLATION OF THIS SUBSECTION IS A MISDEMEANOR,

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1 PUNISHABLE BY IMPRISONMENT FOR 90 DAYS, A FINE OF NOT MORE THAN
2 \$500.00, OR BOTH.

3 SEC. 9B. (1) THE COMMISSION SHALL PROMULGATE RULES THAT
4 PROVIDE FOR THE REVOCATION OF CERTIFICATION OF A LAW ENFORCEMENT
5 OFFICER FOR 1 OR MORE OF THE FOLLOWING:

6 (A) CONVICTION BY A JUDGE OR JURY OF A FELONY.

7 (B) CONVICTION BY A PLEA OF GUILTY TO A FELONY.

8 (C) CONVICTION BY A PLEA OF NO CONTEST TO A FELONY.

9 (D) MAKING A MATERIALLY FALSE STATEMENT OR COMMITTING FRAUD
10 DURING THE APPLICATION FOR CERTIFICATION PROCESS.

(2) THE RULES SHALL PROVIDE FOR THE SUSPENSION OF A LAW
ENFORCEMENT OFFICER FROM USE OF THE LAW ENFORCEMENT INFORMATION
NETWORK IN THE EVENT THE LAW ENFORCEMENT OFFICER WRONGFULLY
DISCLOSES INFORMATION FROM THE LAW ENFORCEMENT INFORMATION NETWORK.

11 (3) EXCEPT AS PROVIDED IN SUBSECTION (3), IF THE COMMISSION

12 ISSUES A FINAL DECISION OR ORDER TO REVOKE THE CERTIFICATION OF A
13 LAW ENFORCEMENT OFFICER, THAT DECISION OR ORDER IS SUBJECT TO
14 JUDICIAL REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT
15 OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

16 (4) A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR
17 ORDER OF THE COMMISSION REVOKING THE CERTIFICATION OF A LAW
18 ENFORCEMENT OFFICER SHALL BE FILED ONLY IN THE CIRCUIT COURT FOR
19 INGHAM COUNTY.

20 (5) THE COMMISSION MAY ISSUE A SUBPOENA IN A CONTESTED CASE
21 TO REVOKE A LAW ENFORCEMENT OFFICER'S CERTIFICATION. THE SUB-
22 POENA SHALL BE ISSUED AS PROVIDED IN SECTION 73 OF THE ADMINIS-
23 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.273.

24 SEC. 9C. (1) THE COMMISSION MAY INVESTIGATE ALLEGED VIOLA-
25 TIONS OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

26 (2) IN CONDUCTING AN INVESTIGATION, THE COMMISSION MAY HOLD
27 HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS, AND ORDER TESTIMONY

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1 TO BE TAKEN AT A HEARING OR BY DEPOSITION. A HEARING HELD UNDER
2 THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4 OF
3 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
4 24.271 TO 24.287. A FINAL DECISION ORDER ISSUED BY THE COMMIS-
5 SION IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED BY CHAPTER 6 OF
6 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
7 24.301 TO 24.306.

8 (3) THE COMMISSION MAY ISSUE A SUBPOENA TO DO EITHER OF THE
9 FOLLOWING:

10 (A) COMPEL THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEAR-
11 ING OR DEPOSITION AND GIVE TESTIMONY.

12 (B) PRODUCE BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS.

13 (4) IF A SUBPOENA ISSUED BY THE COMMISSION IS NOT OBEYED,
14 THE COMMISSION MAY PETITION THE CIRCUIT COURT TO REQUIRE THE
15 ATTENDANCE OF A WITNESS OR THE PRODUCTION OF BOOKS, PAPERS, DOCU-
16 MENTS, OR OTHER ITEMS. THE CIRCUIT COURT MAY ISSUE AN ORDER
17 REQUIRING A PERSON TO APPEAR AND GIVE TESTIMONY OR PRODUCE BOOKS,
18 PAPERS, DOCUMENTS, OR OTHER ITEMS. FAILURE TO OBEY THE ORDER OF
19 THE CIRCUIT COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF
20 COURT.

21 SEC. 9D. (1) A LAW ENFORCEMENT AGENCY SHALL MAINTAIN AN
22 EMPLOYMENT HISTORY RECORD FOR EACH LAW ENFORCEMENT OFFICER
23 EMPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE MANNER PRESCRIBED
24 BY THE COMMISSION.

25 (2) A LAW ENFORCEMENT AGENCY SHALL REPORT THE DATE ON WHICH
26 EACH PERSON COMMENCES OR TERMINATES EMPLOYMENT AS A LAW

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1 ENFORCEMENT OFFICER FOR THE LAW ENFORCEMENT AGENCY IN THE MANNER
2 PRESCRIBED BY THE COMMISSION.

3 Sec. 10. The ~~council~~ COMMISSION may enter into agreements
4 with ~~other agencies,~~ colleges, ~~and~~ universities, OR OTHER
5 AGENCIES to carry out the intent of this act.

6 Sec. 11. (1) The ~~council~~ COMMISSION may DO ALL OF THE
7 FOLLOWING:

8 (a) Visit and inspect a police training school, or examine
9 the curriculum or training procedures of a police training
10 school, for which application for approval OF THE SCHOOL has been
11 made.

12 (b) Issue certificates OF APPROVAL to police training
13 schools. ~~qualifying under the rules of the council.~~

14 (c) Authorize the issuance of certificates of graduation or
15 diplomas by approved police training schools to police officers
16 who have satisfactorily completed minimum courses of study.

17 (d) Cooperate with state, federal, and local police agencies
18 ~~in establishing~~ TO ESTABLISH and ~~conducting~~ CONDUCT local or
19 area schools, or regional training centers for instruction and
20 training of police officers of this state ~~, its~~ AND OF cities,
21 counties, townships, and villages.

22 (e) Make recommendations to the legislature on matters per-
23 taining to qualification and training of police officers.

24 (f) Establish preservice basic training programs at colleges
25 and universities. ~~which qualify under the rules of the council.~~

26 (g) Require ~~a state~~ AN examination for police officer
27 certification UNDER SECTION 9A(1).

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1 (h) Issue a waiver ~~of the mandatory training requirements~~
2 as provided for under section ~~9(3)~~ 9(7), OR 9(3)(C), OR 9(3)(H).

3 (I) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TEST-
4 ING AND TRAINING INDIVIDUALS WHO ARE NOT EMPLOYED BY A MICHIGAN
5 LAW ENFORCEMENT AGENCY.

6 (J) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF ISSU-
7 ING AND REISSUING CERTIFICATES FOR INDIVIDUALS WHO ARE CERTIFIED
8 AS LAW ENFORCEMENT OFFICERS IN THIS STATE.

9 (2) FEES CHARGED UNDER SUBSECTION (1)(I) AND (J) SHALL BE
10 DEPOSITED IN THE LAW ENFORCEMENT OFFICER TRAINING FUND CREATED IN
11 SECTION 13.

12 Sec. 12. ~~There~~ THE COMMISSION shall ~~be~~ APPOINT an exec-
13 utive ~~secretary~~ DIRECTOR of the ~~council who shall be appointed~~
14 ~~by the council, and who~~ COMMISSION. THE EXECUTIVE DIRECTOR
15 shall hold office ~~during~~ AT the pleasure of the ~~council~~
16 COMMISSION. ~~He~~ THE EXECUTIVE DIRECTOR shall perform ~~such~~ THE
17 functions and duties ~~as may be~~ THAT ARE assigned to him OR HER
18 by the ~~council~~ COMMISSION. ~~He~~ THE EXECUTIVE DIRECTOR shall
19 receive compensation and reimbursement for expenses ~~within the~~
20 ~~amounts available therefor~~ AS PROVIDED by appropriation.

21 Sec. 14. (1) The amounts annually appropriated by the leg-
22 islature FROM THE LAW ENFORCEMENT OFFICERS TRAINING FUND shall be
23 paid by the state treasurer ~~in~~ AS FOLLOWS:

24 (A) IN accordance with the accounting laws of the state upon
25 certification of the executive ~~secretary of the council for the~~
26 ~~purpose of reimbursing~~ DIRECTOR TO REIMBURSE an amount not to
27 exceed the training costs incurred for each officer meeting the

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1 recruitment standards prescribed pursuant to this act during the
2 period covered by the allocation, plus an amount not to exceed
3 the necessary living expenses incurred by the officer ~~which~~
4 THAT are necessitated by training requiring that he OR SHE be
5 away from his OR HER residence overnight.

6 (B) FOR THE MAINTENANCE AND ADMINISTRATION OF POLICE OFFICER
7 TESTING AND CERTIFICATION PROVIDED FOR BY THIS ACT.

8 (2) If the ~~moneys~~ MONEY in the ~~law enforcement officers~~
9 ~~training~~ fund to be appropriated by the legislature for the
10 training and living expenses DESCRIBED IN SUBSECTION (1) are
11 insufficient to allocate the amount for training and living pur-
12 poses, the amount shall be reduced proportionately.

13 (3) An allocation shall not be made FROM THE FUND UNDER THIS
14 SECTION to a training agency or to a city, county, township, or
15 village or agency of the state ~~which~~ THAT has not, throughout
16 the period covered by the allocation, adhered to the standards
17 established by the ~~council~~ COMMISSION as applicable to either
18 training or TO personnel ~~or both~~ recruited or trained by the
19 training agency, city, county, township, or village or agency of
20 the state during ~~this~~ THAT period.

21 (4) EXPENDITURES FROM THE FUND TO BE APPROPRIATED BY THE
22 LEGISLATURE FOR POLICE OFFICER TESTING AND CERTIFICATION
23 DESCRIBED IN SUBSECTION (1) SHALL NOT EXCEED THE REVENUE GENER-
24 ATED FROM FEES COLLECTED PURSUANT TO SECTION 11(1)(I) AND (J).

25 Sec. 15. A training agency, city, county, township, or vil-
26 lage or state agency ~~which~~ THAT desires to receive
27 reimbursement pursuant to ~~this act~~ SECTION 14 shall ~~make~~

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1 ~~application~~ APPLY to the ~~council~~ COMMISSION for the
2 reimbursement. The application shall contain information
3 requested by the ~~council~~ COMMISSION.