SENATE BILL NO. 945

May 28, 2020, Introduced by Senators IRWIN, BRINKS, BULLOCK, BAYER, MOSS, GEISS, ALEXANDER, CHANG and SANTANA and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," by amending the title and sections 9, 9b, 9c, and 9d (MCL 28.609, 28.609b, 28.609c, and 28.609d), the title as amended by 1998 PA 237 and sections 9, 9b, 9c, and 9d as amended by 2018 PA 552, and by adding section 9f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE
An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to require certain training for law enforcement officers; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.

Sec. 9. (1) This section applies to all law enforcement officers except individuals to whom sections 9a, 9b, 9c, and 9d apply. Employment of law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and sections 9e and 9f. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures for individuals licensed under this section. In promulgating the rules, the commission shall give consideration to the varying factors and special requirements of law enforcement agencies. Rules promulgated under this subsection must pertain to the following:

(a) Subject to sections 9e and 9f, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance
requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a law enforcement officer.

(l) The form and manner for execution of a written oath of office by a law enforcement agency with whom the individual is employed, and the content of the written oath conferring authority to act with all of the law enforcement authority described in the laws of this state under which the individual is employed.

(m) The ability to be licensed and employed as a law
enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:
   (a) Before executing the oath of office, an employing law enforcement agency verifies that the individual to whom the oath is to be administered complies with licensing standards.
   (b) A law enforcement agency employing an individual licensed under this section authorizes the individual to exercise the law enforcement authority described in the laws of this state under which the individual is employed, by executing a written oath of office.
   (c) Not more than 10 calendar days after executing the oath of office, the employing law enforcement agency shall attest in writing to the commission that the individual to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.

(4) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual complies with the licensing standards, the commission shall grant the individual a license.

(5) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual does not comply with the licensing standards, the commission may do any of the following:
   (a) Supervise the remediation of errors or omissions in the affidavit and oath of office.
   (b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used
to verify compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.

(d) Deny the issuance of a license and inform the employing law enforcement agency.

(6) Upon being informed that the commission has denied issuance of a license, the employing law enforcement agency shall promptly inform the individual whose licensure was denied.

(7) An individual denied a license under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed. This subsection does not divest the individual of that authority until the individual has been informed that his or her licensure was denied.

(8) A law enforcement agency that has administered an oath of office to an individual under this section shall do all of the following, with respect to that individual:

(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the commission concerning any action taken by the employing agency that removes the authority conferred by the oath of office, or that restores the individual's authority to that conferred by the oath of office, in a manner prescribed in rules promulgated by the commission.

(c) Maintain an employment history record.

(d) Collect, verify, and maintain documentation establishing that the individual complies with the licensing standards.

(9) An individual licensed under this section shall report all
of the following to the commission:

(a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(10) A license issued under this section is rendered inactive, and may be reactivated, as follows:

(a) A license is rendered inactive if 1 or more of the following occur:

(i) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously not employed as a law enforcement officer for less than 1 year.

(ii) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously subjected to a removal of the authority conferred by the oath of office for less than 1 year.

(iii) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is thereafter continuously not employed as a law enforcement officer for less than 2 years.

(iv) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is continuously
subjected to a removal of the authority conferred by the oath of
office for less than 2 years.

(b) An employing law enforcement agency may reactivate a
license rendered inactive by complying with the licensure
procedures described in subsection (3), excluding verification of
and attestation to compliance with the licensing standards
described in subsection (2)(a) to (g).

(c) A license that has been reactivated under this section is
valid for all purposes described in this act.

(11) A license issued under this section is rendered lapsed,
without barring further licensure under this act, if 1 or more of
the following occur:

(a) An individual, having been employed as a law enforcement
officer for fewer than 2,080 hours in aggregate, is thereafter
continuously not employed as a law enforcement officer for 1 year.

(b) An individual, having been employed as a law enforcement
officer for fewer than 2,080 hours in aggregate, is thereafter
continuously subjected to a removal of the authority conferred by
the oath of office for 1 year.

(c) An individual, having been employed as a law enforcement
officer for 2,080 hours or longer in aggregate, is thereafter
continuously not employed as a law enforcement officer for 2 years.

(d) An individual, having been employed as a law enforcement
officer for 2,080 hours or longer in aggregate, is continuously
subjected to a removal of the authority conferred by the oath of
office for 2 years.

(12) The commission shall revoke a license granted under this
section for any of the following circumstances and shall promulgate
rules governing revocations under this subsection:
(a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

   (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

   (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

   (iii) Section 81(4) or 81a or a misdemeanor violation of section
(13) The following procedures and requirements apply to license revocation under this section:
   (a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.
   (b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
   (c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.
   (d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.
   (e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.
   (14) An individual licensed under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed if any of the following occur:
(a) The individual's license is rendered void by a court order or other operation of law.
(b) The individual's license is revoked.
(c) The individual's license is rendered inactive.
(d) The individual's license is rendered lapsed.

Sec. 9b. (1) This section applies only to individuals who are employed as Michigan tribal law enforcement officers in this state and are subject to a written instrument authorizing them to enforce the laws of this state. Conferring authority to enforce the laws of this state to law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and sections 9e and 9f. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:
   (a) Subject to sections 9e and 9f, training requirements that may be met by completing either of the following:
      (i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.
      (ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).
(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).
(c) Physical ability.
(d) Psychological fitness.
(e) Education.
(f) Reading and writing proficiency.
(g) Minimum age.
(h) Whether or not a valid operator's or chauffeur's license is required for licensure.
(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.
(j) Whether or not United States citizenship is required for licensure.
(k) Employment as a Michigan tribal law enforcement officer.
(l) The form and manner for execution of a written instrument conferring authority upon the individual to enforce the laws of this state, consisting of any of the following:
   (i) Deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state.
   (ii) Appointment as a law enforcement officer by a law enforcement agency, conferring authority upon the individual to enforce the laws of this state.
   (iii) Execution of a written agreement between the Michigan tribal law enforcement agency with whom the individual is employed and a law enforcement agency, conferring authority upon the individual to enforce the laws of this state.
   (iv) Execution of a written agreement between this state, or a
subdivision of this state, and the United States, conferring
authority upon the individual to enforce the laws of this state.

(m) The ability to be licensed and employed as a law
enforcement officer under this section, without a restriction
otherwise imposed by law.

(3) The licensure process under this section must follow the
following procedures:

(a) A law enforcement agency or other governmental agency
conferring authority upon a Michigan tribal law enforcement officer
as provided in this section shall confer the authority to enforce
the laws of this state by executing a written instrument as
provided in this section.

(b) Before executing the written instrument, a law enforcement
agency or other governmental agency shall verify that the
individual complies with the licensing standards.

(c) Not more than 10 calendar days after the effective date of
the written instrument, the law enforcement agency or other
governmental agency executing the written instrument shall attest
in writing to the commission that the individual to whom the
authority was conferred satisfies the licensing standards, by
submitting an executed affidavit and a copy of the written
instrument.

(4) If, upon reviewing the executed affidavit and the written
instrument, the commission determines that the individual complies
with the licensing standards, the commission shall grant the
individual a license.

(5) If, upon reviewing the executed affidavit and the written
instrument, the commission determines that the individual does not
comply with the licensing standards, the commission may do any of
the following:

(a) Supervise the remediation of errors or omissions in the affidavit and oath of office.

(b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.

(d) Deny the issuance of a license and inform the law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies.

(6) Upon being informed that the commission has denied issuance of a license, a law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies shall promptly inform the individual denied.

(7) An individual denied a license under this section shall not exercise the law enforcement authority described in a written instrument conferring authority upon the individual to enforce the laws of this state. This subsection does not divest the individual of that authority until the individual has been informed that his or her license was denied.

(8) A written instrument conferring authority to enforce the laws of this state upon an individual to whom this section applies must include the following:

(a) A requirement that the employing Michigan tribal law enforcement agency report to the commission all personnel
transactions affecting employment status in a manner prescribed in
rules promulgated by the commission.

(b) A requirement that the employing Michigan tribal law
enforcement agency report to the commission concerning any action
it takes that removes the authority conferred by the written
instrument conferring authority upon the individual to enforce the
laws of this state or that restores the individual's authority to
that conferred by the written instrument, in a manner prescribed in
rules promulgated by the commission.

(c) A requirement that the employing Michigan tribal law
enforcement agency maintain an employment history record.

(d) A requirement that the employing Michigan tribal law
enforcement agency collect, verify, and maintain documentation
establishing that the individual complies with the applicable
licensing standards.

(9) A written instrument conferring authority to enforce the
laws of this state upon an individual to whom this section applies
must include a requirement that the employing Michigan tribal law
enforcement agency report the following regarding an individual
licensed under this section:

(a) Criminal charges for offenses for which that individual's
license may be revoked as described in this section, upon being
informed of such charges, in a manner prescribed in rules
promulgated by the commission.

(b) The imposition of a personal protection order against that
individual after a judicial hearing under section 2950 or 2950a of
the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
600.2950a, or under the laws of any other jurisdiction, upon being
informed of the imposition of such an order, in a manner prescribed
in rules promulgated by the commission.

(10) A license issued under this section is rendered inactive, and may be reactivated, as follows:

(a) A license is rendered inactive if 1 or more of the following occur:

(i) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously not employed as a law enforcement officer for less than 1 year.

(ii) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for less than 1 year.

(iii) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is thereafter continuously not employed as a law enforcement officer for less than 2 years.

(iv) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for less than 2 years.

(b) A law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies may reactivate a license rendered inactive by complying with the licensure procedures described in subsection (3), excluding verification of and attestation to compliance with the licensing standards described in
subsection (2)(a) to (g).

(c) A license that has been reactivated under this section is valid for all purposes described in this act.

(11) A license issued under this section is rendered lapsed, without barring further licensure under this act, if 1 or more of the following occur:

(a) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously not employed as a law enforcement officer for 1 year.

(b) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for 1 year.

(c) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is thereafter continuously not employed as a law enforcement officer for 2 years.

(d) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for 2 years.

(12) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing these revocations under this section:

(a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage
of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(13) The following procedures and requirements apply to license revocation under this section:
(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(14) An individual licensed under this section shall not exercise the law enforcement authority described in a written instrument conferring authority upon the individual to enforce the laws of this state if any of the following occur:

(a) The individual's license is rendered void by a court order or other operation of law.

(b) The individual's license is revoked.

(c) The individual's license is rendered inactive.
(d) The individual's license is rendered lapsed.

Sec. 9c. (1) This section applies only to individuals who are employed as fire arson investigators from fire departments within villages, cities, townships, or counties in this state, who are sworn and fully empowered by the chiefs of police of those villages, cities, townships, or counties. Conferring authority to enforce the laws of this state to law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and sections 9e and 9f. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:

(a) Subject to sections 9e and 9f, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision
(a).

(c) Physical ability.
(d) Psychological fitness.
(e) Education.
(f) Reading and writing proficiency.
(g) Minimum age.
(h) Whether or not a valid operator's or chauffeur's license is required for licensure.
(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.
(j) Whether or not United States citizenship is required for licensure.
(k) Employment as a fire arson investigator from a fire department within a village, city, township, or county in this state, who is sworn and fully empowered by the chief of police of that village, city, township, or county.
(l) The form and manner for execution of a written oath of office by the chief of police of a village, city, township, or county law enforcement agency, and the content of the written oath conferring authority to enforce the laws of this state.
(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:

(a) Before executing the oath of office, the chief of police shall verify that the individual to whom the oath is to be administered complies with the licensing standards.
(b) The chief of police shall execute an oath of office
authorizing the individual to enforce the laws of this state.
(c) Not more than 10 calendar days after executing the oath of
office, the chief of police shall attest in writing to the
commission that the individual to whom the oath was administered
satisfies the licensing standards by submitting an executed
affidavit and a copy of the executed oath of office.
(4) If, upon reviewing the executed affidavit and executed
oath of office, the commission determines that the individual
complies with the licensing standards, the commission shall grant
the individual a license.
(5) If, upon reviewing the executed affidavit and executed
oath of office, the commission determines that the individual does
not comply with the licensing standards, the commission may do any
of the following:
(a) Supervise the remediation of errors or omissions in the
affidavit and oath of office.
(b) Supervise the remediation of errors or omissions in the
screening, procedures, examinations, testing, and other means used
to verify compliance with the licensing standards.
(c) Supervise additional screening, procedures, examinations,
testing, and other means used to determine compliance with the
licensing standards.
(d) Deny the issuance of a license and inform the chief of
police.
(6) Upon being informed that the commission has denied
issuance of a license, the chief of police shall promptly inform
the individual whose licensure was denied.
(7) An individual denied a license under this section shall
not exercise the law enforcement authority described in the oath of
office. This subsection does not divest the individual of that
authority until the individual has been informed that his or her
license was denied.

(8) A chief of police who has administered an oath of office
to an individual under this section shall do all of the following,
with respect to that individual:

(a) Report to the commission all personnel transactions
affecting employment status in a manner prescribed in rules
promulgated by the commission.
(b) Report to the commission concerning any action taken by
the chief of police that removes the authority conferred by the
oath of office, or that restores the individual's authority to that
conferred by the oath of office, in a manner prescribed in rules
promulgated by the commission.
(c) Maintain an employment history record.
(d) Collect, verify, and maintain documentation establishing
that the individual complies with the applicable licensing
standards.

(9) An individual licensed under this section shall report all
of the following to the commission:

(a) Criminal charges for offenses for which that individual's
license may be revoked as described in this section, upon being
informed of such charges, in a manner prescribed in rules
promulgated by the commission.
(b) Imposition of a personal protection order against that
individual after a judicial hearing under section 2950 or 2950a of
the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
600.2950a, or under the laws of any other jurisdiction, upon being
informed of the imposition of such an order, in a manner prescribed
in rules promulgated by the commission.

(10) A license issued under this section is rendered lapsed,
without barring further licensure under this act, if 1 or both of
the following occur:

(a) The individual is no longer employed as a fire arson
investigator from a fire department within a village, city,
township, or county in this state, who is sworn and fully empowered
by the chief of police of that village, city, township, or county,
rendering the license lapsed.

(b) The individual is subjected to a removal of the authority
conferred by the oath of office, rendering the license lapsed.

(11) The commission shall revoke a license granted under this
section for any of the following circumstances and shall promulgate
rules governing these revocations under this subsection:

(a) The individual obtained the license by making a materially
false oral or written statement or committing fraud in an
affidavit, disclosure, or application to a law enforcement training
academy, the commission, or a law enforcement agency at any stage
of recruitment, selection, appointment, enrollment, training, or
licensure application.

(b) The individual obtained the license because another
individual made a materially false oral or written statement or
committed fraud in an affidavit, disclosure, or application to a
law enforcement training academy, the commission, or a law
enforcement agency at any stage of recruitment, selection,
appointment, enrollment, training, or licensure application.

(c) The individual has been subjected to an adjudication of
guilt for a violation or attempted violation of a penal law of this
state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(12) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public
an affidavit of license relinquishment prescribed by the
commission.

(d) The commission need not delay or abate license revocation
proceedings based on an adjudication of guilt if an appeal is taken
from the adjudication of guilt.

(e) If the commission issues a final decision or order to
revoke a license, that decision or order is subject to judicial
review as provided in the administrative procedures act of 1969,
1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
in this section is not a final decision or order for purposes of
judicial review.

(13) An individual licensed under this section shall not
exercise the law enforcement authority described in the oath of
office if any of the following occur:

(a) The individual's license is rendered void by a court order
or other operation of law.

(b) The individual's license is revoked.

(c) The individual's license is rendered lapsed.

Sec. 9d. (1) This section applies only to individuals who meet
all of the following conditions:

(a) Are employed as private college security officers under
section 37 of the private security business and security alarm act,
1968 PA 330, MCL 338.1087.

(b) Seek licensure under this act.

(c) Are sworn and fully empowered by a chief of police of a
village, city, or township law enforcement agency, or are deputized
by a county sheriff as a deputy sheriff, excluding deputation as a
special deputy.

(2) The authority to enforce the laws of this state of private
college security officers to whom this section applies is subject to the licensing requirements and procedures of this section and sections 9e and 9f. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(3) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:

(a) Subject to sections 9e and 9f, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license
is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a private college security officer as defined in section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy.

(l) The form and manner for execution of a written oath of office by the chief of police of a village, city, or township law enforcement agency, or by a county sheriff, and the content of the written oath conferring the authority to enforce the general criminal laws of this state.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(4) The licensure process under this section must follow the following procedures:

(a) Before executing the oath of office, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall verify that the private college security officer to whom the oath is administered complies with the licensing standards.

(b) The chief of police of a village, city, or township law enforcement agency or the county sheriff shall execute an oath of
office authorizing the private college security officer to enforce
the general criminal laws of this state.

(c) Not more than 10 calendar days after executing the oath of
office, the chief of police of a village, city, or township law
enforcement agency or the county sheriff shall attest in writing to
the commission that the private college security officer to whom
the oath was administered satisfies the licensing standards by
submitting an executed affidavit and a copy of the executed oath of
office.

(5) If upon reviewing the executed affidavit and oath of
office the commission determines that the private college security
officer complies with the licensing standards, the commission shall
grant the private college security officer a license.

(6) If upon reviewing the executed affidavit and oath of
office the commission determines that the private college security
officer does not comply with the licensing standards, the
commission may do any of the following:

(a) Supervise remediation of errors or omissions in the
affidavit or oath of office.

(b) Supervise the remediation of errors or omissions in the
screening, procedures, examinations, testing, and other means used
to verify compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations,
testing, and other means used to determine compliance with the
licensing standards.

(d) Deny the issuance of a license and inform the chief of
police of a village, city, or township law enforcement agency or
the county sheriff of the denial.

(7) Upon being informed that the commission has denied
issuance of a license, the chief of police of a village, city, or
township law enforcement agency or the county sheriff shall
promptly inform the private college security officer seeking
licensure that he or she has been denied issuance of a license
under this section.

(8) A private college security officer denied a license under
this section may not exercise the law enforcement authority
described in the oath of office. This subsection does not divest
the private college security officer of that authority until the
private college security officer has been informed that his or her
licensure was denied.

(9) A chief of police of a village, city, or township law
enforcement agency or a county sheriff who has administered an oath
of office to a private college security officer under this section
shall, with respect to that private college security officer, do
all of the following:

(a) Report to the commission concerning all personnel
transactions affecting employment status, in a manner prescribed in
rules promulgated by the commission.

(b) Report to the commission concerning any action taken by
the chief of police of a village, city, or township law enforcement
agency or the county sheriff that removes the authority conferred
by the oath of office or that restores the private college security
officer's authority conferred by the oath of office, in a manner
prescribed in rules promulgated by the commission.

(c) Maintain an employment history record.

(d) Collect, verify, and maintain documentation establishing
that the private college security officer complies with the
applicable licensing standards.
(10) If a private college or university appoints an individual as a private college security officer under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, and the private college security officer is licensed under this section, the private college or university, with respect to the private college security officer, shall do all both of the following:

(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the chief of police of a village, city, or township law enforcement agency or the county sheriff who administered the oath of office to that private college security officer all personnel transactions affecting employment status, in a manner prescribed in rules promulgated by the commission.

(11) A private college security officer licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which the private college security officer's license may be revoked as described in this section upon being informed of such charges and in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against the private college security officer after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(12) A license granted under this section is rendered lapsed,
without barring further licensure under this act, if 1 or both of
the following occur:

(a) The private college security officer is no longer employed
as 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 sworn and fully empowered by the chief of
police of a village, city, or township law enforcement agency, or
deputized by a county sheriff as a deputy sheriff, excluding
deputation as a special deputy, rendering the license lapsed.

(b) The private college security officer is subjected to a
removal of the authority conferred by the oath of office, rendering
the license lapsed.

(13) The commission shall revoke a license granted under this
section for any of the following and shall promulgate rules
governing these revocations:

(a) The private college security officer obtained the license
by making a materially false oral or written statement or
committing fraud in the affidavit, disclosure, or application to a
law enforcement training academy, the commission, or a law
enforcement agency at any stage of recruitment, selection,
appointment, enrollment, training, or licensure application.

(b) The private college security officer obtained the license
because another person made a materially false oral or written
statement or committed fraud in the affidavit, disclosure, or
application to a law enforcement training academy, the commission,
or a law enforcement agency at any stage of recruitment, selection,
appointment, enrollment, training, or licensure application.

(c) The private college security officer has been subjected to
an adjudication of guilt for a violation or attempted violation of
a penal law of this state or another jurisdiction that is
punishable by imprisonment for more than 1 year.

(d) The private college security officer has been subjected to
an adjudication of guilt for a violation or attempted violation of
1 or more of the following penal laws of this state or another
jurisdiction substantially corresponding to the penal laws of this
state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
300, MCL 257.625, if the individual has a prior conviction, as that
term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the
adjudication as described in section 625(9)(b) of the Michigan
vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the
public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(14) The following procedures and requirements apply to
license revocation under this section:

(a) The commission shall initiate license revocation
proceedings, including, but not limited to, the issuance of an
order for summary suspension and notice of intent to revoke a
license upon obtaining notice of facts warranting license
revocation.

(b) A hearing for license revocation must be conducted as a
contested case under the administrative procedures act of 1969,

(c) In lieu of participating in a contested case, a private
security college officer may voluntarily and permanently relinquish his or her law enforcement officer license under this section by executing before a notary public an affidavit of license relinquishment as prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(15) A private college security officer licensed under this section shall not exercise the law enforcement authority described in the oath of office he or she executed if any of the following occur:

(a) The private college security officer's license is rendered void by a court order or other operation of law.

(b) The private college security officer's license is revoked.

(c) The private college security officer's license is rendered lapsed.

Sec. 9f. (1) Beginning January 1, 2022, an individual who is seeking to become licensed as a law enforcement officer under section 9, 9b, 9c, or 9d shall complete training that meets the minimum standards under this section. A law enforcement officer who is licensed under section 9, 9b, 9c, or 9d on December 31, 2021, and who has not previously completed the training under this section shall complete training that meets the minimum standards
under this section.

(2) Subject to subsection (4), not later than September 1, 2021, the commission shall promulgate rules establishing the minimum standards for training in all of the following areas:

(a) De-escalation techniques.

(b) Implicit bias training.

(c) Procedural justice training.

(d) Mental health resources and support available for law enforcement officers.

(3) The minimum standards for training on de-escalation techniques must include all of the following:

(a) The use of alternative nonlethal methods of applying force and techniques that prevent a law enforcement officer from escalating any situation where force is likely to be used.

(b) Verbal and physical tactics to minimize the need for the use of force, with an emphasis on communication, negotiation, de-escalation techniques, and providing the time needed to resolve the incident safely for each individual involved.

(c) The use of the lowest level of force that is a possible and safe response to an identified threat and reevaluation of an identified threat as it progresses.

(d) Techniques that provide all officers with awareness and recognition of physical and mental disabilities, mental health issues, and substance abuse issues with an emphasis on communication strategies, and training officers simultaneously in teams on de-escalation and use of force to improve group dynamics and diminish excessive use of force during critical incidents.

(e) Principles of using distance, cover, and time when approaching and managing critical incidents, and elimination of
other techniques in favor of using distance and cover to create a reaction gap.

(f) Crisis intervention strategies to appropriately identify and respond to an individual suffering from physical or mental disabilities, mental health issues, or substance abuse issues, with an emphasis on de-escalation techniques and promoting effective communication.

(g) Other evidence-based approaches, found to be appropriate by the commission, that enhance de-escalation techniques and skills.

(4) An individual seeking to become a law enforcement officer licensed under this act or a person who is already a licensed law enforcement officer under this act may meet the minimum standards for implicit bias training by completing an implicit bias training course offered by the United States Department of Justice.

(5) Not later January 1, 2022, each law enforcement agency in this state shall adopt a written policy stating that each of the law enforcement officers in its employ has an affirmative duty to utilize de-escalation techniques in his or her interactions with citizens whenever possible.

(6) The commission shall make a model written policy meeting the requirements of subsection (5) available on its website. A law enforcement agency may fulfill its duty under subsection (5) by adopting the written policy made available under this subsection.

(7) Not later than November 30, 2021, the department of the attorney general shall provide written guidance to the law enforcement agencies in this state that employ law enforcement officers licensed under section 9, 9b, 9c, or 9d with regard to compliance with the minimum standards under this section.
(8) The department of the attorney general shall collect data regarding the implementation of training programs under this section and shall provide an annual report to the legislature describing that data.

(9) As used in this section:

(a) "De-escalation technique" means a method or methods for assessing and managing a situation in order to resolve it with the least use of force that is safe and practicable by a law enforcement officer.

(b) "Implicit bias training" means an evidence-based program to provide fair and impartial law enforcement by increasing awareness of and improving response strategies to unconscious bias.

(c) "Procedural justice training" means a system of law enforcement that prioritizes legitimacy over deterrence in obtaining citizen compliance with law enforcement directions and emphasizes fair process and respectful 2-way communication conveying the rationale behind directions given by a law enforcement officer to a citizen.

(d) "Reaction gap" means the minimum amount of distance necessary to ensure that a law enforcement officer is able to react appropriately to a potential threat.