

HOUSE BILL No. 5498

February 10, 2004, Introduced by Reps. Julian, Caswell, Meyer, Stakoe, Vagnozzi, Plakas, Garfield, Tobocman, Pappageorge, Ehardt, Vander Veen, Richardville, Farhat, Pastor and Nofs and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 2001 PA 186, and by adding section 3a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Certificate" means a numbered document issued by the
3 commission to a person who has received certification under this
4 act.

5 (b) "Certification" means either of the following:

6 (i) A determination by the commission that a person meets the
7 law enforcement officer minimum standards to be employed as a
8 commission certified law enforcement officer and that the person
9 is authorized under this act to be employed as a law enforcement
10 officer.

1 (ii) A determination by the commission that a person was
2 employed as a law enforcement officer before January 1, 1977 and
3 that the person is authorized under this act to be employed as a
4 law enforcement officer.

5 (c) "Commission" means the commission on law enforcement
6 standards created in section ~~3~~ **3a**.

7 (d) "Contested case" means that term as defined in section 3
8 of the administrative procedures act of 1969, 1969 PA 306, MCL
9 24.203.

10 (e) "Executive director" means the executive director of the
11 commission appointed under section 12.

12 (f) "Felony" means a violation of a penal law of this state
13 or another state that is either of the following:

14 (i) Punishable by a term of imprisonment greater than 1
15 year.

16 (ii) Expressly designated a felony by statute.

17 (g) "Fund" means the law enforcement officers training fund
18 created in section 13.

19 (h) "Law enforcement officer minimum standards" means
20 standards established by the commission under this act that a
21 person must meet to be eligible for certification under section
22 9a(1).

23 (i) "Law enforcement officer of a Michigan Indian tribal
24 police force" means a regularly employed member of a police force
25 of a Michigan Indian tribe who is appointed pursuant to 25
26 ~~C.F.R.~~ **CFR** 12.100 to 12.103.

27 (j) "Michigan Indian tribe" means a federally recognized

1 Indian tribe that has trust lands located within this state.

2 (k) "Police officer" or "law enforcement officer" means,
3 unless the context requires otherwise, any of the following:

4 (i) A regularly employed member of a police force or other
5 organization of a city, county, township, or village, of the
6 state, or of a state university or community college who is
7 responsible for the prevention and detection of crime and the
8 enforcement of the general criminal laws of this state. Police
9 officer or law enforcement officer does not include a person
10 serving solely because he or she occupies any other office or
11 position.

12 (ii) A law enforcement officer of a Michigan Indian tribal
13 police force, subject to the limitations set forth in section
14 9(3).

15 (iii) The sergeant at arms or any assistant sergeant at arms
16 of either house of the legislature who is commissioned as a
17 police officer by that respective house of the legislature as
18 provided by the legislative sergeant at arms police powers act.

19 (l) "Rule" means a rule promulgated pursuant to the
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
21 24.328.

22 **Sec. 3a. (1) The new Michigan commission on law enforcement**
23 **standards is created in the department of state police. The**
24 **commission consists of 16 members as follows:**

25 (a) The attorney general, or the designated representative of
26 the attorney general.

27 (b) The director of the department of state police, or the

1 director's designated representative who is a Michigan state
2 police officer.

3 (c) The chief of the police department located in a city with
4 a population of more than 750,000, or the chief's designated
5 representative who is a command officer with that department.

6 (d) Thirteen members appointed by the governor, with the
7 advice and consent of the senate, as follows:

8 (i) Three individuals selected from a list submitted by the
9 Michigan association of police chiefs, consisting of 9 active
10 voting members of that organization or its successor
11 organization.

12 (ii) Three individuals selected from a list of 9 elected
13 sheriffs submitted by the Michigan sheriffs' association or its
14 successor organization.

15 (iii) One individual selected from a list of 3 individuals
16 submitted by the prosecuting attorneys' association of Michigan
17 or its successor organization.

18 (iv) One individual selected from a list of 3 individuals
19 submitted by the criminal defense attorneys of Michigan or its
20 successor organization.

21 (v) One individual selected from a list of 3 individuals
22 submitted by the Michigan state police troopers association or
23 its successor organization.

24 (vi) One individual selected from a list of 3 individuals
25 submitted by the Michigan chapter of the fraternal order of
26 police or its successor organization.

27 (vii) One individual selected from a list of 3 individuals

1 submitted by the police officers association of Michigan or its
2 successor organization.

3 (viii) One individual selected from a list of 3 individuals
4 submitted by a police association representing officers employed
5 by 1 police agency employing more than 15% of the police officers
6 in this state or their successor organizations.

7 (ix) One individual selected from a list of 3 individuals
8 submitted by the Michigan Indian law enforcement service, or its
9 successor organization.

10 (2) The governor may appoint any individual meeting the
11 membership requirements of the organizations listed in
12 subdivision (d)(i) to (ix) if an organization required to submit
13 a list of potential candidates fails to submit a list at least 30
14 days before a vacancy created by the expiration of a term or
15 within 30 days of the effective date of any other vacancy.

16 (3) An individual appointed under subsection (1)(d) shall
17 serve as a commission member only while serving as a member of
18 the organization that he or she is representing.

19 (4) Members of the commission appointed under subsection (1)
20 shall hold office for a term of 3 years, except as follows:

21 (a) Of the members initially appointed under subsection
22 (1)(d)(i), 1 member shall be appointed for a term of 3 years, 1
23 member shall be appointed for a term of 2 years, and 1 member
24 shall be appointed for a term of 1 year.

25 (b) Of the members initially appointed under subsection
26 (1)(d)(ii), 1 member shall be appointed for a term of 3 years, 1
27 member shall be appointed for a term of 2 years, and 1 member

1 shall be appointed for a term of 1 year.

2 (c) The members initially appointed under subsection
3 (1)(d)(v) and (vi) shall be appointed for terms of 2 years each.

4 (d) The members initially appointed under subsection
5 (1)(d)(vii) and (viii) shall be appointed for terms of 1 year
6 each.

7 (5) A vacancy on the commission caused by the expiration of a
8 term or termination of the member's official position in law
9 enforcement shall be filled in the same manner as the original
10 appointment.

11 (6) A member appointed to fill a vacancy created other than
12 by expiration of a term shall be appointed for the unexpired term
13 of the member who he or she is to succeed in the same manner as
14 the original appointment. A member may be reappointed for
15 additional terms.

16 (7) All the authority, powers, duties, functions, and
17 responsibilities of the Michigan commission on law enforcement
18 standards created by Executive Reorganization No. 2001-2, MCL
19 28.621, are transferred to the new Michigan commission on law
20 enforcement standards created in this section, by a type III
21 transfer as defined in section 3 of the executive organization
22 act of 1965, 1965 PA 380, MCL 16.103. The new Michigan
23 commission on law enforcement standards has the relationship to
24 the department of state police given to an agency transferred to
25 a principal department by a type I transfer, as defined in
26 section 3 of the executive organization act of 1965, 1965 PA 380,
27 MCL 16.103.

1 Enacting section 1. Sections 3 and 4 of the commission on
2 law enforcement standards act, 1965 PA 203, MCL 28.603 and
3 28.604, are repealed.