

# HOUSE BILL No. 5246

September 29, 2005, Introduced by Rep. Baxter and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9. (1) The commission shall promulgate rules to establish  
2 law enforcement officer minimum standards. In promulgating the law  
3 enforcement officer minimum standards, the commission shall give  
4 consideration to the varying factors and special requirements of  
5 local police agencies. The law enforcement officer minimum  
6 standards shall include all of the following:

7       (a) Minimum standards of physical, educational, mental, and  
8 moral fitness that govern the recruitment, selection, appointment,

1 and certification of law enforcement officers.

2 (b) Minimum courses of study, attendance requirements, and  
3 instructional hours required at approved police training schools.

4 (c) The rules promulgated under this section do not apply to a  
5 member of a sheriff's posse or a police auxiliary temporarily  
6 performing his or her duty under the direction of the sheriff or  
7 police department.

8 (d) Minimum basic training requirements that a person,  
9 excluding sheriffs, shall complete before being eligible for  
10 certification under section 9a(1).

11 (2) If a person's certification under section 9a(1) becomes  
12 void under section 9a(4)(b), the commission shall waive the  
13 requirements described in subsection (1)(b) for certification of  
14 the person under section 9a(1) if 1 or more of the following apply:

15 (a) The person has been employed 1 year or less as a  
16 commission certified law enforcement officer and is again employed  
17 as a law enforcement officer within 1 year after discontinuing  
18 employment as a commission certified law enforcement officer.

19 (b) The person has been employed more than 1 year but less  
20 than 5 years as a commission certified law enforcement officer and  
21 is again employed as a law enforcement officer within 18 months  
22 after discontinuing employment as a commission certified law  
23 enforcement officer.

24 (c) The person has been employed 5 years or more as a  
25 commission certified law enforcement officer and is again employed  
26 as a law enforcement officer within 2 years after discontinuing  
27 employment as a commission certified law enforcement officer.

1           (d) The person has successfully completed the mandatory  
2 training and has been continuously employed as a law enforcement  
3 officer, but through no fault of that person the employing agency  
4 failed to obtain certification for that person as required by this  
5 act.

6           (3) The commission shall promulgate rules with respect to all  
7 of the following:

8           (a) The categories or classifications of advanced in-service  
9 training programs for commission certified law enforcement officers  
10 and minimum courses of study and attendance requirements for the  
11 categories or classifications.

12           (b) The establishment of subordinate regional training centers  
13 in strategic geographic locations in order to serve the greatest  
14 number of police agencies that are unable to support their own  
15 training programs.

16           (c) The commission's acceptance of certified basic police  
17 training and law enforcement experience received by a person in  
18 another state in fulfillment in whole or in part of the law  
19 enforcement officer minimum standards.

20           (d) The commission's approval of police training schools  
21 administered by a city, county, township, village, corporation,  
22 college, community college or university.

23           (e) The minimum qualifications for instructors at approved  
24 police training schools.

25           (f) The minimum facilities and equipment required at approved  
26 police training schools.

27           (g) The establishment of preservice basic training programs at

1 colleges and universities.

2 (h) Acceptance of basic police training and law enforcement  
3 experience received by a person in fulfillment in whole or in part  
4 of the law enforcement officer minimum standards prepared and  
5 published by the commission if both of the following apply:

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

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

13 (4) Except as otherwise provided in this section, a regularly  
14 employed person employed on or after January 1, 1977 as a member of  
15 a police force having a full-time officer is not empowered to  
16 exercise all the authority of a peace officer in this state, or be  
17 employed in a position for which the authority of a peace officer  
18 is conferred by statute, unless the person has received  
19 certification under section 9a(1).

20 (5) A law enforcement officer employed before January 1, 1977  
21 may continue his or her employment as a law enforcement officer and  
22 participate in training programs on a voluntary or assigned basis  
23 but failure to obtain certification under section 9a(1) or (2) is  
24 not grounds for dismissal of or termination of that employment as a  
25 law enforcement officer. A person who was employed as a law  
26 enforcement officer before January 1, 1977 who fails to obtain  
27 certification under section 9a(1) and who voluntarily or

1 involuntarily discontinues his or her employment as a law  
2 enforcement officer may be employed as a law enforcement officer if  
3 he or she was employed 5 years or more as a law enforcement officer  
4 and is again employed as a law enforcement officer within 2 years  
5 after discontinuing employment as a law enforcement officer.

6 (6) A law enforcement officer of a Michigan Indian tribal  
7 police force is not empowered to exercise the authority of a peace  
8 officer under the laws of this state and shall not be employed in a  
9 position for which peace officer authority is granted under the  
10 laws of this state unless all of the following requirements are  
11 met:

12 (a) The tribal law enforcement officer is certified under this  
13 act.

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

15 (i) Deputized by the sheriff of the county in which the trust  
16 lands of the Michigan Indian tribe employing the tribal law  
17 enforcement officer are located, or by the sheriff of any county  
18 that borders the trust lands of that Michigan Indian tribe,  
19 pursuant to section 70 of 1846 RS 14, MCL 51.70.

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

23 (c) The deputation or appointment of the tribal law  
24 enforcement officer described in subdivision (b) is made pursuant  
25 to a written contract that includes terms the appointing authority  
26 under subdivision (b) may require between the state or local law  
27 enforcement agency and the tribal government of the Michigan Indian

1 tribe employing the tribal law enforcement officer.

2 (d) The written contract described in subdivision (c) is  
3 incorporated into a self-determination contract, grant agreement,  
4 or cooperative agreement between the United States secretary of the  
5 interior and the tribal government of the Michigan Indian tribe  
6 employing the tribal law enforcement officer pursuant to the Indian  
7 self-determination and education assistance act, Public Law 93-638,  
8 88 Stat. 2203.

9 (7) A law enforcement officer of a multicounty metropolitan  
10 district, other than a law enforcement officer employed by a law  
11 enforcement agency created under the public body law enforcement  
12 agency act, is not empowered to exercise the authority of a peace  
13 officer under the laws of this state and shall not be employed in a  
14 position for which peace officer authority is granted under the  
15 laws of this state unless all of the following requirements are  
16 met:

17 (a) The law enforcement officer has met or exceeded minimum  
18 standards for certification under this act.

19 (b) The law enforcement officer is deputized by the sheriff or  
20 sheriffs of the county or counties in which the land of the  
21 multicounty metropolitan district employing the law enforcement  
22 officer is located and in which the law enforcement officer will  
23 work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

24 (c) The deputation or appointment of the law enforcement  
25 officer is made pursuant to a written agreement that includes terms  
26 the deputizing authority under subdivision (b) may require between  
27 the state or local law enforcement agency and the governing board

1 of the multicounty metropolitan district employing the law  
2 enforcement officer.

3 (d) The written agreement described in subdivision (c) is  
4 filed with the commission.

5 (8) A public body that creates a law enforcement agency under  
6 the public body law enforcement agency act and that employs 1 or  
7 more law enforcement officers certified under this act shall be  
8 considered to be a law enforcement agency for purposes of section  
9 9d.

10 (9) The commission may establish an evaluation or testing  
11 process, or both, for granting a waiver from the law enforcement  
12 officer minimum standards regarding training requirements to a  
13 person who has held a certificate under this act and who  
14 discontinues employment as a law enforcement officer for a period  
15 of time exceeding the time prescribed in subsection (2)(a) to (c)  
16 or subsection (5), as applicable.

17 **(10) STANDARDS FOR TRAINING AND QUALIFICATION FOR ACTIVE LAW**  
18 **ENFORCEMENT OFFICERS TO CARRY FIREARMS SHALL BE ESTABLISHED BY EACH**  
19 **LAW ENFORCEMENT AGENCY FOR ITS LAW ENFORCEMENT OFFICERS. FOR**  
20 **PURPOSES OF FEDERAL LAW PERMITTING THE CARRYING OF CONCEALED**  
21 **WEAPONS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS, THE STATE**  
22 **RECOGNIZES THE STANDARD FOR TRAINING AND QUALIFICATION FOR ACTIVE**  
23 **LAW ENFORCEMENT OFFICERS TO CARRY FIREARMS ESTABLISHED BY THE LAW**  
24 **ENFORCEMENT AGENCY FROM WHICH THE OFFICER RETIRED AS BEING THE**  
25 **STATE STANDARD FOR THAT OFFICER.**