

HOUSE BILL No. 5275

January 24, 2012, Introduced by Reps. McMillin and Irwin 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 2005 PA 239.

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. The rules do not apply
3 to a member of a sheriff's posse or a police auxiliary temporarily
4 performing his or her duty under the direction of the sheriff or
5 police department. In promulgating the law enforcement officer
6 minimum standards, the commission shall give consideration to the
7 varying factors and special requirements of local police agencies.
8 The law enforcement officer minimum standards shall include all of
9 the following:

10 (a) Minimum standards of physical, educational, mental, and

1 moral fitness that govern the recruitment, selection, appointment,
2 and certification of law enforcement officers.

3 (b) Minimum courses of study, attendance requirements, and
4 instructional hours required at approved police training schools.
5 **THE MINIMUM COURSES OF STUDY REQUIRED UNDER THIS SUBDIVISION SHALL**
6 **INCLUDE INSTRUCTION ON SITUATIONS INVOLVING VIDEO RECORDING OF**
7 **POLICE ACTIVITY BY CIVILIANS.**

8 (c) 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) A commission certified law enforcement officer who is a
7 member of any of the reserve components of the United States armed
8 forces and who is called to active duty in the armed forces is not
9 considered to have discontinued his or her employment as a
10 commission certified law enforcement officer under section
11 9a(4)(b). The person's certification under section 9a(1) shall not
12 become void during that term of active military service. However,
13 the certification of a certified law enforcement officer described
14 in this subsection may be revoked under section 9b if the officer
15 committed an offense during the period of active duty in the armed
16 forces that resulted in a conviction enumerated in section 9b(1).
17 As used in this subsection, "reserve components of the United
18 States armed forces" means that term as defined in section 2 of the
19 military family relief fund act, 2004 PA 363, MCL 35.1212. This
20 subsection does not apply to a commission certified law enforcement
21 officer who volunteers for a term of active military service or who
22 voluntarily extends a term of active military service that began
23 when he or she was called to active duty. This subsection does not
24 apply to a commission certified law enforcement officer who is
25 dishonorably discharged from a term of active military service.

26 (4) The commission shall promulgate rules with respect to all
27 of the following:

1 (a) The categories or classifications of advanced in-service
2 training programs for commission certified law enforcement officers
3 and minimum courses of study and attendance requirements for the
4 categories or classifications.

5 (b) The establishment of subordinate regional training centers
6 in strategic geographic locations in order to serve the greatest
7 number of police agencies that are unable to support their own
8 training programs.

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

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

16 (e) The minimum qualifications for instructors at approved
17 police training schools.

18 (f) The minimum facilities and equipment required at approved
19 police training schools.

20 (g) The establishment of preservice basic training programs at
21 colleges and universities.

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

26 (i) The person successfully completed the basic police training
27 in another state or through a federally operated police training

1 school that was sufficient to fulfill the minimum standards
2 required by federal law to be appointed as a law enforcement
3 officer of a Michigan Indian tribal police force.

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

6 (5) Except as otherwise provided in this section, a regularly
7 employed person employed on or after January 1, 1977 as a member of
8 a police force having a full-time officer is not empowered to
9 exercise all the authority of a peace officer in this state, or be
10 employed in a position for which the authority of a peace officer
11 is conferred by statute, unless the person has received
12 certification under section 9a(1).

13 (6) A law enforcement officer employed before January 1, 1977
14 may continue his or her employment as a law enforcement officer and
15 participate in training programs on a voluntary or assigned basis
16 but failure to obtain certification under section 9a(1) or (2) is
17 not grounds for dismissal of or termination of that employment as a
18 law enforcement officer. A person who was employed as a law
19 enforcement officer before January 1, 1977 who fails to obtain
20 certification under section 9a(1) and who voluntarily or
21 involuntarily discontinues his or her employment as a law
22 enforcement officer may be employed as a law enforcement officer if
23 he or she was employed 5 years or more as a law enforcement officer
24 and is again employed as a law enforcement officer within 2 years
25 after discontinuing employment as a law enforcement officer.

26 (7) A law enforcement officer of a Michigan Indian tribal
27 police force is not empowered to exercise the authority of a peace

1 officer under the laws of this state and shall not be employed in a
2 position for which peace officer authority is granted under the
3 laws of this state unless all of the following requirements are
4 met:

5 (a) The tribal law enforcement officer is certified under this
6 act.

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

8 (i) Deputized by the sheriff of the county in which the trust
9 lands of the Michigan Indian tribe employing the tribal law
10 enforcement officer are located, or by the sheriff of any county
11 that borders the trust lands of that Michigan Indian tribe,
12 ~~pursuant to~~ **UNDER** section 70 of 1846 RS 14, MCL 51.70.

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

16 (c) The deputation or appointment of the tribal law
17 enforcement officer described in subdivision (b) is made ~~pursuant~~
18 ~~to~~ **UNDER** a written contract that includes terms the appointing
19 authority under subdivision (b) may require between the state or
20 local law enforcement agency and the tribal government of the
21 Michigan Indian tribe employing the tribal law enforcement officer.

22 (d) The written contract described in subdivision (c) is
23 incorporated into a self-determination contract, grant agreement,
24 or cooperative agreement between the United States secretary of the
25 interior and the tribal government of the Michigan Indian tribe
26 employing the tribal law enforcement officer ~~pursuant to~~ **UNDER** the
27 Indian self-determination and education assistance act, Public Law

1 93-638, ~~88 Stat. 2203~~ **25 USC 450 ET SEQ.**

2 (8) A law enforcement officer of a multicounty metropolitan
3 district, other than a law enforcement officer employed by a law
4 enforcement agency created under the public body law enforcement
5 agency act, is not empowered to exercise the authority of a peace
6 officer under the laws of this state and shall not be employed in a
7 position for which peace officer authority is granted under the
8 laws of this state unless all of the following requirements are
9 met:

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

12 (b) The law enforcement officer is deputized by the sheriff or
13 sheriffs of the county or counties in which the land of the
14 multicounty metropolitan district employing the law enforcement
15 officer is located and in which the law enforcement officer will
16 work, ~~pursuant to~~ **UNDER** section 70 of 1846 RS 14, MCL 51.70.

17 (c) The deputation or appointment of the law enforcement
18 officer is made ~~pursuant to~~ **UNDER** a written agreement that includes
19 terms the deputizing authority under subdivision (b) may require
20 between the state or local law enforcement agency and the governing
21 board of the multicounty metropolitan district employing the law
22 enforcement officer.

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

25 (9) A public body that creates a law enforcement agency under
26 the public body law enforcement agency act, **2004 PA 378, MCL 28.581**
27 **TO 28.290**, and that employs 1 or more law enforcement officers

1 certified under this act shall be considered to be a law
2 enforcement agency for purposes of section 9d.

3 (10) The commission may establish an evaluation or testing
4 process, or both, for granting a waiver from the law enforcement
5 officer minimum standards regarding training requirements to a
6 person who has held a certificate under this act and who
7 discontinues employment as a law enforcement officer for a period
8 of time exceeding the time prescribed in subsection (2)(a) to (c)
9 or (6), as applicable.