

# SENATE BILL No. 31

January 19, 2011, Introduced by Senator HANSEN and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as  
amended by 2004 PA 379 and section 9 as amended by 2005 PA 239.

## 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 is  
9       authorized under this act to be employed as a law enforcement

1 officer.

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

6 (c) "Commission" means the commission on law enforcement  
7 standards created in section 3.

8 (d) "Contested case" means that term as defined in section 3  
9 of the administrative procedures act of 1969, 1969 PA 306, MCL  
10 24.203.

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

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

15 (i) Punishable by a term of imprisonment greater than 1 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~~ **WAS** appointed ~~pursuant to~~ **UNDER**  
26 former 25 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) "Multicounty metropolitan district" means an entity  
3 authorized and established ~~pursuant to~~ **UNDER** state law by 2 or more  
4 counties with a combined population of not less than 3,000,000, for  
5 the purpose of cooperative planning, promoting, acquiring,  
6 constructing, owning, developing, maintaining, or operating parks.

7 (l) "Police officer" or "law enforcement officer" means, unless  
8 the context requires otherwise, any of the following:

9 (i) A regularly employed member of a law enforcement agency  
10 authorized and established ~~pursuant to~~ **UNDER** law, including common  
11 law, who is responsible for the prevention and detection of crime  
12 and the enforcement of the general criminal laws of this state.  
13 Police officer or law enforcement officer does not include a person  
14 serving solely because he or she occupies any other office or  
15 position.

16 (ii) A law enforcement officer of a Michigan Indian tribal  
17 police force, subject to the limitations set forth in section ~~9(3)~~  
18 **9(7)**.

19 (iii) The sergeant at arms or any assistant sergeant at arms of  
20 either house of the legislature who is commissioned as a police  
21 officer by that respective house of the legislature as provided by  
22 the legislative sergeant at arms police powers act, 2001 PA 185,  
23 MCL 4.381 to 4.382.

24 (iv) A law enforcement officer of a multicounty metropolitan  
25 district, subject to the limitations of section ~~9(7)~~ **9(8)**.

26 (v) A county prosecuting attorney's investigator sworn and  
27 fully empowered by the sheriff of that county.

(vi) Until December 31, 2007, a law enforcement officer of a school district in this state that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent federal decennial census.

(vii) A fire arson investigator from a fire department within a city with a population of not less than 750,000 who is sworn and fully empowered by the city chief of police.

**(M) "REGULARLY EMPLOYED" MEANS TO BE EMPLOYED BY A POLICE FORCE OR LAW ENFORCEMENT AGENCY FOR MORE THAN 120 HOURS ANNUALLY.**

**(N)** ~~(m)~~ "Rule" means a rule promulgated ~~pursuant to~~ **UNDER** the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 9. (1) The commission shall promulgate rules to establish law enforcement officer minimum standards **AND GUIDELINES**. The rules do not apply to a member of a sheriff's posse or a police auxiliary temporarily performing his or her duty under the direction of the sheriff or police department. In promulgating the law enforcement officer minimum standards **AND GUIDELINES**, the commission shall give consideration to the varying factors and special requirements of local police agencies. The law enforcement officer minimum standards **AND GUIDELINES** shall include all of the following:

(a) Minimum standards of physical, educational, mental, and moral fitness that govern the recruitment, selection, appointment, and certification of law enforcement officers.

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

1 (C) MINIMUM COURSES OF INSTRUCTION ON ALL OF THE FOLLOWING:

2 (i) RACIAL PROFILING.

3 (ii) UNDERSTANDING OF AND RESPECT FOR RACIAL AND CULTURAL  
4 DIFFERENCES.

5 (iii) NONCOMBATIVE METHODS OF CARRYING OUT LAW ENFORCEMENT  
6 DUTIES IN A RACIALLY AND CULTURALLY DIVERSE ENVIRONMENT.

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

10 (E) GUIDELINES, WHICH THE COMMISSION SHALL MAKE AVAILABLE TO  
11 ALL LAW ENFORCEMENT AGENCIES, THAT IDENTIFY THE PATTERNS,  
12 PRACTICES, AND PROTOCOLS THAT MAKE UP RACIAL PROFILING.

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

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

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

26 (c) The person has been employed 5 years or more as a  
27 commission certified law enforcement officer and is again employed

1 as a law enforcement officer within 2 years after discontinuing  
2 employment as a commission certified law enforcement officer.

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

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

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

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

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

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

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

18           (e) The minimum qualifications for instructors at approved  
19 police training schools.

20           (f) The minimum facilities and equipment required at approved  
21 police training schools.

22           (g) The establishment of preservice basic training programs at  
23 colleges and universities.

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

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

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

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

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



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

7 (a) The tribal law enforcement officer is certified under this  
8 act.

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

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

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

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

24 (d) The written contract described in subdivision (c) is  
25 incorporated into a self-determination contract, grant agreement,  
26 or cooperative agreement between the United States secretary of the  
27 interior and the tribal government of the Michigan Indian tribe

1 employing the tribal law enforcement officer ~~pursuant to~~ **UNDER** the  
2 Indian self-determination and education assistance act, Public Law  
3 93-638, 88 Stat. 2203.

4 (8) A law enforcement officer of a multicounty metropolitan  
5 district, other than a law enforcement officer employed by a law  
6 enforcement agency created under the public body law enforcement  
7 agency act, **2004 PA 378, MCL 28.581 TO 28.590**, is not empowered to  
8 exercise the authority of a peace officer under the laws of this  
9 state and shall not be employed in a position for which peace  
10 officer authority is granted under the laws of this state unless  
11 all of the following requirements are met:

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

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

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

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

27 (9) A public body that creates a law enforcement agency under

1 the public body law enforcement agency act, **2004 PA 378, MCL 28.581**  
2 **TO 28.590**, and that employs 1 or more law enforcement officers  
3 certified under this act shall be considered to be a law  
4 enforcement agency for purposes of section 9d.

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