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Senate Bill 411 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 412 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bill 411 (S-2) would amend the Commission on Law Enforcement Standards Act to do the following:

- Codify the 17-member Michigan Commission on Law Enforcement Standards (MCOLES), which was created by an Executive Reorganization Order, and add an 18th member representing deputy sheriffs.
- Revise provisions that require MCOLES to establish law enforcement officer minimum standards.
- Require MCOLES to grant a license, rather than certification, to a person who meets the minimum standards and would be employed as a law enforcement officer.
- Establish separate licensure requirements for sheriffs, tribal law enforcement officers, and locally appointed fire arson investigators.
- Specify that a petition for judicial review of a final decision or order of MCOLES could be adjudicated only in the Circuit Court for Ingham County, and the Commission would have standing in that court for an action to compel compliance with the Act.
- Allow MCOLES to use money from the Secondary Road Patrol and Training Fund for reasonable expenses of performing its functions and reimbursing law enforcement agencies for reasonable costs of law enforcement education.
- Require a licensed law enforcement officer to inform MCOLES when he or she was charged with a particular offense or was subject to a personal protection order.

The bill also would repeal Sections 4, 9d, and 16 of the Act, which deal with MCOLES members' terms of office, law enforcement agencies' maintenance of employment history records, and the Act's original effective date.

Senate Bill 412 (S-1) would amend Public Act 302 of 1982, which created the Michigan Justice Training Commission and the Michigan Justice Training Fund, to do the following:

- Delete and replace most of the provisions of the Act, regarding use of the Michigan Justice Training Fund.
- Require MCOLES to use the Fund to make law enforcement distributions to law enforcement agencies, pay the reasonable expenses of providing MCOLES staff services and administering and enforcing the Act and the MCOLES Act, and awarding grants.
- Specify that money in the Fund that was not distributed in a fiscal year in which it was meant to be used for the purposes described above would remain in the Fund and could be used in future fiscal years for the designated purpose.
- Require MCOLES to conduct an annual registration of law enforcement agencies to verify each agency's roster of full-time and part-time officers and the number of hours for which they were compensated in the most recent calendar year.
- Require MCOLES annually to distribute 60% of the Fund for law enforcement distributions, in two semiannual installments, and require distributions to be made on a per full-time equated basis to eligible entities based on the number of full-time equated officers employed.

- Cap the reported hours of compensation at 2,080 hours for any individual officer, for purposes of the law enforcement distribution.
- Regulate an eligible entity's use of funds from a law enforcement distribution, and limit the use of a distribution to certain training and educational purposes.
- Allow MCOLES to award grants for the provision of criminal justice in-service training for law enforcement officers.
- Prohibit MCOLES from awarding grants to a professional association.
- Regulate a grantee's use of funds from a grant award.
- Require criminal justice in-service training courses to be registered through the MCOLES Information and Tracking Network.
- Specify that the Fund's books, records, and accounts could be subject to audit by the Auditor General every two years, instead of requiring an audit every two years (as under current law).

Senate Bill 412 (S-1) is tie-barred to Senate Bill 411.

MCL 28.601 et al. (S.B. 411)
18.421 et al. (S.B. 412)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 9-22-14

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.