

**SUBSTITUTE FOR
SENATE BILL NO. 411**

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending sections 1, 2, 3, 5, 6, 7, 9, 9a, 9b, 9c, 10, 11, 12,
13, and 14 (MCL 28.601, 28.602, 28.603, 28.605, 28.606, 28.607,
28.609, 28.609a, 28.609b, 28.609c, 28.610, 28.611, 28.612, 28.613,
and 28.614), sections 1, 3, 5, 6, 7, 11, 12, and 14 as amended and
sections 9a, 9b, and 9c as added by 1998 PA 237, section 2 as
amended by 2013 PA 170, section 9 as amended by 2005 PA 239, and
section 10 as amended by 2010 PA 67; and to repeal acts and parts
of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "**MICHIGAN** commission on law enforcement standards act".

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 any 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~~
 10 ~~officer.~~

11 ~~—— (ii) A determination by the commission that a person was~~
 12 ~~employed as a law enforcement officer before January 1, 1977 and~~
 13 ~~that the person is authorized under this act to be employed as a~~
 14 ~~law enforcement officer.~~

15 ~~—— (iii) A determination by the commission that a person satisfies~~
 16 ~~the requirements set forth in a recommendation of the commission to~~
 17 ~~and approved by the legislature on the feasibility of interstate~~
 18 ~~reciprocity of certification of everyone that was employed as a law~~
 19 ~~enforcement officer of another state within the previous 12 months,~~
 20 ~~and that state maintains standards substantially similar to law~~
 21 ~~enforcement officer minimum standards.~~

22 **(A) "ADJUDICATION OF GUILT" MEANS ANY OF THE FOLLOWING:**

23 **(i) ENTRY OF A JUDGMENT OR VERDICT OF GUILTY, OR GUILTY BUT**
 24 **MENTALLY ILL, FOLLOWING A TRIAL.**

25 **(ii) ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE.**

26 **(iii) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN**
 27 **SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ORDER ENTERED UNDER**

1 SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA
2 175, MCL 771.1, OR ANY OTHER ORDER DELAYING SENTENCE.

3 (iv) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
4 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ASSIGNMENT TO THE
5 STATUS OF YOUTHFUL TRAINEE UNDER THE HOLMES YOUTHFUL TRAINEE ACT,
6 AS PROVIDED IN SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
7 PROCEDURE, 1927 PA 175, MCL 762.11.

8 (v) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
9 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
10 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7411.

11 (vi) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
12 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
13 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
14 MCL 769.4A.

15 (B) ~~(e)~~—"Commission" means the **MICHIGAN** commission on law
16 enforcement standards created in ~~section 3~~—**THIS ACT OR, BY EXPRESS**
17 **DELEGATION OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS,**
18 **ITS EXECUTIVE DIRECTOR AND STAFF.**

19 (C) ~~(d)~~—"Contested case" means that term as defined in section
20 3 of the administrative procedures act of 1969, 1969 PA 306, MCL
21 24.203.

22 (D) ~~(e)~~—"Executive director" means the executive director of
23 the commission appointed under ~~section 12~~—**THIS ACT.**

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

26 ~~(i) Punishable by a term of imprisonment greater than 1 year.~~

27 ~~(ii) Expressly designated a felony by statute.~~

1 ~~—— (g) "Fund" means the law enforcement officers training fund~~
2 ~~created in section 13.~~

3 ~~—— (h) "Law enforcement officer minimum standards" means~~
4 ~~standards established by the commission under this act that a~~
5 ~~person must meet to be eligible for certification under section~~
6 ~~9a(1).~~

7 ~~—— (i) "Law enforcement officer of a Michigan Indian tribal~~
8 ~~police force" means a regularly employed member of a police force~~
9 ~~of a Michigan Indian tribe who was appointed under former 25 CFR~~
10 ~~12.100 to 12.103.~~

11 ~~—— (j) "Michigan Indian tribe" means a federally recognized~~
12 ~~Indian tribe that has trust lands located within this state.~~

13 **(E) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS**
14 **ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS**
15 **STATE AND IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT OR**
16 **EMPLOY LAW ENFORCEMENT OFFICERS.**

17 **(F) "LAW ENFORCEMENT OFFICER" MEANS:**

18 **(i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), A PERSON EMPLOYED**
19 **BY A LAW ENFORCEMENT AGENCY AS 1 OR MORE OF THE FOLLOWING:**

20 **(A) A PERSON AUTHORIZED BY LAW, INCLUDING COMMON LAW, TO**
21 **PREVENT AND DETECT CRIME AND ENFORCE THE GENERAL CRIMINAL LAWS OF**
22 **THIS STATE. THIS DOES NOT INCLUDE A PERSON SERVING SOLELY BECAUSE**
23 **HE OR SHE OCCUPIES ANY OTHER OFFICE OR POSITION.**

24 **(B) A PERSON EMPLOYED AS A MICHIGAN TRIBAL LAW ENFORCEMENT**
25 **OFFICER BY A FEDERALLY RECOGNIZED INDIAN TRIBE THAT HAS TRUST LANDS**
26 **LOCATED WITHIN THIS STATE, SUBJECT TO A WRITTEN INSTRUMENT**
27 **AUTHORIZING THE PERSON TO ENFORCE THE LAWS OF THIS STATE.**

1 (C) THE SERGEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS OF
2 EITHER HOUSE OF THE LEGISLATURE WHO IS COMMISSIONED AS A POLICE
3 OFFICER BY THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS PROVIDED BY
4 THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT, 2001 PA 185,
5 MCL 4.381 TO 4.382.

6 (D) A LAW ENFORCEMENT OFFICER OF A MULTICOUNTY METROPOLITAN
7 DISTRICT AS PROVIDED UNDER SECTION 3 OF 2004 PA 378, MCL 28.583,
8 SUBJECT TO THE LIMITATIONS OF SECTION 9(6).

9 (E) A COUNTY PROSECUTING ATTORNEY'S INVESTIGATOR SWORN AND
10 FULLY EMPOWERED BY THE SHERIFF OF THAT COUNTY AS PROVIDED UNDER
11 ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND SECTION 70 OF
12 1846 RS 14, MCL 51.70.

13 (F) A FIRE ARSON INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A
14 VILLAGE, CITY, TOWNSHIP, OR COUNTY WHO IS SWORN AND FULLY EMPOWERED
15 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

16 (G) OFFICERS AND INVESTIGATORS APPOINTED BY STATE DEPARTMENTS
17 REPRESENTED ON THE MICHIGAN HIGHWAY RECIPROCITY BOARD AS PROVIDED
18 UNDER SECTION 15 OF 1960 PA 124, MCL 3.175.

19 (H) A SUPERINTENDENT, WATCHPERSON, OR GUARD APPOINTED OR
20 CHOSEN AS PROVIDED UNDER SECTIONS 1 AND 3 OF 1905 PA 80, MCL 19.141
21 AND 19.143.

22 (I) A COMMISSIONER OR OFFICER OF THE MICHIGAN STATE POLICE
23 APPOINTED AS PROVIDED UNDER SECTION 6 OF 1935 PA 59, MCL 28.6.

24 (J) A CONSERVATION OFFICER APPOINTED BY THE MICHIGAN STATE
25 POLICE AS PROVIDED UNDER SECTION 6A OF 1935 PA 59, MCL 28.6A.

26 (K) AN OFFICER APPOINTED BY A PUBLIC BODY AS PROVIDED UNDER
27 SECTION 3 OF THE PUBLIC BODY LAW ENFORCEMENT AGENCY ACT, 2004 PA

1 378, MCL 28.583.

2 (L) A GENERAL LAW TOWNSHIP CONSTABLE APPOINTED TO PERFORM BOTH
3 STATUTORY CRIMINAL AND CIVIL DUTIES AS PROVIDED UNDER SECTION 82 OF
4 1846 RS 16, MCL 41.82.

5 (M) AN OFFICER APPOINTED TO A GENERAL LAW TOWNSHIP POLICE
6 DEPARTMENT AS PROVIDED UNDER SECTION 6 OF 1951 PA 33, MCL 41.806.

7 (N) A MARSHAL, POLICEMAN, WATCHMAN, OR OFFICER APPOINTED TO A
8 CHARTER TOWNSHIP POLICE FORCE AS PROVIDED UNDER SECTION 12 OF THE
9 CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.12.

10 (O) A PARK RANGER APPOINTED BY A COUNTY OR REGIONAL PARKS AND
11 RECREATION COMMISSION AS PROVIDED UNDER SECTION 14 OF 1965 PA 261,
12 MCL 46.364.

13 (P) A SHERIFF ELECTED AS PROVIDED UNDER ARTICLE VII OF THE
14 STATE CONSTITUTION OF 1963 OR APPOINTED AS PROVIDED UNDER ARTICLE V
15 OF THE STATE CONSTITUTION OF 1963.

16 (Q) AN UNDERSHERIFF OR DEPUTY SHERIFF APPOINTED AS PROVIDED
17 UNDER SECTION 70 OF 1846 RS 14, MCL 51.70.

18 (R) A POLICE OFFICER APPOINTED BY A GENERAL LAW VILLAGE AS
19 PROVIDED UNDER SECTION 13 OF THE GENERAL LAW VILLAGE ACT, 1895 PA
20 3, MCL 70.13.

21 (S) A POLICE OFFICER APPOINTED BY A HOME RULE VILLAGE AS
22 PROVIDED UNDER SECTION 22 OF THE HOME RULE VILLAGE ACT, 1909 PA
23 278, MCL 78.22.

24 (T) A MARSHAL APPOINTED TO SERVE AS CHIEF OF POLICE OF A
25 FOURTH CLASS CITY AS PROVIDED UNDER SECTION 16 OF THE FOURTH CLASS
26 CITY ACT, 1895 PA 215, MCL 87.16.

27 (U) A CONSTABLE APPOINTED BY A FOURTH CLASS CITY AS PROVIDED

1 UNDER SECTION 24 OF THE FOURTH CLASS CITY ACT, 1895 PA 215, MCL
2 87.24.

3 (V) A POLICE CHIEF, POLICEMAN, OR NIGHTWATCHMAN APPOINTED BY A
4 FOURTH CLASS CITY AS PROVIDED UNDER SECTION 1 OF THE FOURTH CLASS
5 CITY ACT, 1895 PA 215, MCL 92.1.

6 (W) A POLICE OFFICER OR CONSTABLE APPOINTED BY A HOME RULE
7 CITY AS PROVIDED UNDER SECTIONS 3 AND 32 OF THE HOME RULE CITY ACT,
8 1909 PA 279, MCL 117.3 AND 117.32.

9 (X) AN AIRPORT LAW ENFORCEMENT OFFICER, GUARD, OR POLICE
10 OFFICER APPOINTED BY A PUBLIC AIRPORT AUTHORITY AS PROVIDED UNDER
11 SECTION 116 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945
12 PA 327, MCL 259.116.

13 (Y) A CONSERVATION OFFICER APPOINTED BY THE DIRECTOR OF THE
14 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED UNDER SECTION 1 OF 1986
15 PA 109, MCL 300.21, OR SECTIONS 1501, 1601, AND 1606(1) OF THE
16 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
17 MCL 324.1501, 324.1601, AND 324.1606.

18 (Z) A PUBLIC SAFETY OFFICER APPOINTED TO A DEPARTMENT OF
19 PUBLIC SAFETY AS PROVIDED UNDER SECTION 1606B OF THE REVISED SCHOOL
20 CODE, 1976 PA 451, MCL 380.1606B.

21 (AA) A PUBLIC SAFETY OFFICER APPOINTED BY A COMMUNITY COLLEGE
22 AS PROVIDED UNDER SECTION 128 OF THE COMMUNITY COLLEGE ACT OF 1966,
23 1966 PA 331, MCL 389.128.

24 (BB) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL
25 OF SAGINAW VALLEY STATE UNIVERSITY AS PROVIDED UNDER SECTION 5A OF
26 1965 PA 278, MCL 390.715A.

27 (CC) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL

1 OF A HIGHER EDUCATION INSTITUTION AS PROVIDED UNDER SECTION 1 OF
2 1990 PA 120, MCL 390.1511.

3 (DD) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
4 PROVIDED UNDER SECTION 10 OF THE MEDICAID FALSE CLAIM ACT, 1977 PA
5 72, MCL 400.610.

6 (EE) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
7 PROVIDED UNDER SECTION 8 OF THE HEALTH CARE FALSE CLAIM ACT, 1984
8 PA 323, MCL 752.1008.

9 (FF) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
10 PROVIDED UNDER SECTION 35 OF 1846 RS 12, MCL 14.35.

11 (GG) A RAILROAD POLICE OFFICER ACTING AS PROVIDED UNDER
12 SECTION 367 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.367.

13 (HH) AN INSPECTOR APPOINTED BY THE STATE TRANSPORTATION
14 COMMISSION AS PROVIDED UNDER SECTION 13 OF THE MOTOR CARRIER ACT,
15 1933 PA 254, MCL 479.13.

16 (II) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
17 DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2 OR MORE
18 MUNICIPAL CORPORATIONS UNDER SECTION 1 OF 1951 PA 35, MCL 124.1.

19 (JJ) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
20 DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL AGREEMENT
21 ENTERED INTO UNDER 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

22 (KK) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
23 DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF FUNCTIONS OR
24 RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536.

25 (LL) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
26 DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS GIVEN A
27 COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS PROVIDED

1 UNDER 1988 PA 57, MCL 124.601 TO 124.614.

2 (ii) "LAW ENFORCEMENT OFFICER" DOES NOT INCLUDE ANY OF THE
3 FOLLOWING:

4 (A) A GENERAL LAW TOWNSHIP CONSTABLE APPOINTED AS A DISTRICT
5 COURT OFFICER OR APPOINTED TO PERFORM CIVIL DUTIES, BUT NOT
6 STATUTORY CRIMINAL DUTIES, AS PROVIDED IN SECTION 82 OF 1846 RS 16,
7 MCL 41.82.

8 (B) A TEMPORARY POLICEMAN APPOINTED UNDER SECTION 2 OF THE
9 FOURTH CLASS CITY ACT, 1895 PA 215, MCL 92.2.

10 (C) A PERSON AUTHORIZED TO ISSUE CITATIONS AS A VOLUNTEER AS
11 PROVIDED UNDER SECTION 675D OF THE MICHIGAN VEHICLE CODE, 1949 PA
12 300, MCL 257.675D.

13 (D) A SECURITY EMPLOYEE APPOINTED BY THE DIRECTOR OF THE
14 DEPARTMENT OF STATE POLICE AS PROVIDED UNDER SECTION 6C OF 1935 PA
15 59, MCL 28.6C.

16 (E) A MOTOR CARRIER OFFICER APPOINTED BY THE DEPARTMENT OF
17 STATE POLICE AS PROVIDED IN SECTION 6D OF 1935 PA 59, MCL 28.6D,
18 SECTION 5 OF 1956 PA 62, MCL 257.955, AND SECTION 73 OF 2006 PA
19 108, MCL 257.1873.

20 (F) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE GRANTED
21 PEACE OFFICER AUTHORITY AS PROVIDED IN SECTION 9H OF THE MOTOR
22 FUELS QUALITY ACT, 1984 PA 44, MCL 290.649H.

23 (G) AN AGENT OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC
24 GROWTH GRANTED PEACE OFFICER AUTHORITY AS PROVIDED IN SECTION 27 OF
25 THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330,
26 MCL 338.1077.

27 (H) AN ATTENDANCE OFFICER GRANTED THE POWERS OF A DEPUTY

1 SHERIFF AS PROVIDED IN SECTION 1571 OF THE REVISED SCHOOL CODE,
2 1976 PA 451, MCL 380.1571.

3 (I) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION
4 1606(2) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
5 1994 PA 451, MCL 324.1606.

6 (J) A VOLUNTEER CONSERVATION OFFICER APPOINTED BY THE
7 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 1607 OF THE
8 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
9 MCL 324.1607.

10 (K) A STATE FOREST OFFICER APPOINTED BY THE DIRECTOR OF THE
11 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 83107 OF THE
12 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
13 MCL 324.83107.

14 (L) A SPECIAL DEPUTY APPOINTED BY A SHERIFF TO DO PARTICULAR
15 ACTS UNDER SECTION 70 OF 1846 RS 14, MCL 51.70.

16 (M) AN OFFICER APPOINTED TO CONDUCT SALVAGE VEHICLE
17 INSPECTIONS AS PROVIDED IN SECTION 217C OF THE MICHIGAN VEHICLE
18 CODE, 1949 PA 300, MCL 257.217C, WHO IS NOT OTHERWISE EMPLOYED AS A
19 LAW ENFORCEMENT OFFICER.

20 (N) A PRIVATE SECURITY GUARD, PRIVATE SECURITY POLICE OFFICER,
21 OR PRIVATE COLLEGE SECURITY FORCE OFFICER EMPLOYED OR APPOINTED AS
22 PROVIDED IN THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT,
23 1968 PA 330, MCL 338.1051 TO 338.1092.

24 (O) THE ATTORNEY GENERAL.

25 (P) THE SECRETARY OF STATE.

26 (Q) A MEMBER OF THE HIGHWAY RECIPROCITY BOARD GRANTED PEACE
27 OFFICER AUTHORITY UNDER SECTION 15 OF 1960 PA 124, MCL 3.175.

1 (R) A MEMBER OF A SHERIFF'S POSSE.

2 (S) A POLICE AUXILIARY.

3 (T) A RESERVE OFFICER.

4 (U) AN OFFICER OR INVESTIGATOR APPOINTED BY THE DEPARTMENT OF
5 STATE UNDER SECTION 213 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
6 MCL 257.213.

7 (V) AN AUTHORIZED AGENT OF THE STATE TRANSPORTATION DEPARTMENT
8 OR A COUNTY ROAD COMMISSION PERFORMING DUTIES AUTHORIZED UNDER
9 SECTION 724 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.724.

10 (W) AN ENFORCEMENT OFFICER APPOINTED BY THE AERONAUTICS
11 COMMISSION UNDER SECTION 55 OF THE AERONAUTICS CODE OF THE STATE OF
12 MICHIGAN, 1945 PA 327, MCL 259.55.

13 (X) A RAILROAD CONDUCTOR ACTING UNDER SECTION 3 OF 1913 PA 68,
14 MCL 436.203.

15 (Y) AN INSPECTOR AUTHORIZED TO ENFORCE THE MICHIGAN LIQUOR
16 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, AND
17 RULES PROMULGATED BY THE LIQUOR CONTROL COMMISSION AS PROVIDED IN
18 SECTION 201 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
19 58, MCL 436.1201.

20 (Z) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW ENFORCEMENT
21 DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2 OR MORE
22 MUNICIPAL CORPORATIONS UNDER 1951 PA 35, MCL 124.1 TO 124.13.

23 (AA) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW
24 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL
25 AGREEMENT ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967,
26 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

27 (BB) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW

1 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF
2 FUNCTIONS OR RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL
3 124.531 TO 124.536.

4 (CC) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW
5 ENFORCEMENT DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS
6 GIVEN A COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS
7 PROVIDED UNDER 1988 PA 57, MCL 124.601 TO 124.614.

8 (DD) A MARSHAL APPOINTED AS PROVIDED IN SECTION 11 OF 1889 PA
9 39, MCL 455.61, OR SECTION 15 OF 1929 PA 137, MCL 455.215.

10 (G) "LAW ENFORCEMENT TRAINING ACADEMY" MEANS ANY OF THE
11 FOLLOWING:

12 (i) AN AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMY.

13 (ii) A PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING
14 ACADEMY.

15 (iii) A REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY.

16 (H) "LICENSE" MEANS DOCUMENTATION OF LICENSURE BY THE
17 COMMISSION UNDER THIS ACT.

18 (I) "LICENSING STANDARDS" MEANS THE REQUIREMENTS WITH WHICH A
19 PERSON MUST COMPLY FOR LICENSURE AS A LAW ENFORCEMENT OFFICER UNDER
20 THIS ACT.

21 (J) "LICENSURE" MEANS A DETERMINATION BY THE COMMISSION THAT
22 BOTH OF THE FOLLOWING OCCURRED IN COMPLIANCE WITH THIS ACT AND
23 RULES PROMULGATED UNDER THE AUTHORITY OF THIS ACT:

24 (i) THE PERSON TO WHOM THE LICENSE IS ISSUED COMMENCED
25 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER, SUBJECT TO A WRITTEN OATH
26 OF OFFICE OR OTHER WRITTEN INSTRUMENT CONFERRING LAW ENFORCEMENT
27 AUTHORITY.

1 (ii) THE LAW ENFORCEMENT AGENCY EMPLOYING THE PERSON, OR THE
2 LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING LAW
3 ENFORCEMENT AUTHORITY UPON THE PERSON, ATTESTED TO THE COMMISSION
4 THAT THE PERSON COMPLIED WITH THE LICENSING STANDARDS.

5 (K) "MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER" MEANS A PERSON
6 EMPLOYED AS A LAW ENFORCEMENT OFFICER BY A FEDERALLY RECOGNIZED
7 INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS STATE,
8 SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THE PERSON TO ENFORCE
9 THE LAWS OF THIS STATE.

10 (l) ~~(k)~~ "Multicounty metropolitan district" means an entity
11 authorized and established by state law by 2 or more counties with
12 a combined population of not less than 3,000,000, for the purpose
13 of cooperative planning, promoting, acquiring, constructing,
14 owning, developing, maintaining, or operating parks.

15 ~~—— (l) "Police officer" or "law enforcement officer" means, unless~~
16 ~~the context requires otherwise, any of the following:~~

17 ~~—— (i) A regularly employed member of a law enforcement agency~~
18 ~~authorized and established by law, including common law, who is~~
19 ~~responsible for the prevention and detection of crime and the~~
20 ~~enforcement of the general criminal laws of this state. Police~~
21 ~~officer or law enforcement officer does not include a person~~
22 ~~serving solely because he or she occupies any other office or~~
23 ~~position.~~

24 ~~—— (ii) A law enforcement officer of a Michigan Indian tribal~~
25 ~~police force, subject to the limitations set forth in section 9(7).~~

26 ~~—— (iii) The sergeant at arms or any assistant sergeant at arms of~~
27 ~~either house of the legislature who is commissioned as a police~~

1 ~~officer by that respective house of the legislature as provided by~~
 2 ~~the legislative sergeant at arms police powers act, 2001 PA 185,~~
 3 ~~MCL 4.381 to 4.382.~~

4 ~~—— (iv) A law enforcement officer of a multicounty metropolitan~~
 5 ~~district, subject to the limitations of section 9(8).~~

6 ~~—— (v) A county prosecuting attorney's investigator sworn and~~
 7 ~~fully empowered by the sheriff of that county.~~

8 ~~—— (vi) A fire arson investigator from a fire department within a~~
 9 ~~village, city, township, or county who is sworn and fully empowered~~
 10 ~~by the chief of police of that village, city, township, or county.~~

11 (m) "Rule" means a rule promulgated under the administrative
 12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

13 Sec. 3. (1) The **MICHIGAN** commission on law enforcement
 14 standards is created to carry out the intent of this act.

15 (2) The commission consists of the following ~~11~~ members:

16 (a) The attorney general, or his or her designated
 17 representative **FROM WITHIN THE DEPARTMENT OF ATTORNEY GENERAL.**

18 (b) The director of the department of state police, or his or
 19 her designated representative **WHO IS A POLICE OFFICER WITHIN THE**
 20 **DEPARTMENT OF STATE POLICE.**

21 **(C) THE CHIEF OF A POLICE DEPARTMENT OF A CITY THAT HAS A**
 22 **POPULATION OF MORE THAN 600,000, OR HIS OR HER DESIGNEE WHO IS A**
 23 **COMMAND OFFICER WITHIN THAT DEPARTMENT.**

24 **(D) ~~(e) Nine~~ THE FOLLOWING** members appointed by the governor,
 25 ~~with the advice and consent of~~ **SUBJECT TO DISAPPROVAL BY** the senate
 26 **UNDER SECTION 6 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963,** as
 27 follows:

1 (i) Three individuals selected from a list of ~~6~~**NOT FEWER THAN**
2 9 active voting members of and submitted by the Michigan
3 association of chiefs of police. ~~or its successor organization.~~

4 (ii) Three individuals selected from a list of ~~6~~**NOT FEWER THAN**
5 9 elected sheriffs submitted by the Michigan sheriffs' association.
6 ~~or its successor organization.~~

7 (iii) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
8 **COUNTY PROSECUTING ATTORNEYS SUBMITTED BY THE PROSECUTING ATTORNEYS**
9 **ASSOCIATION OF MICHIGAN.**

10 (iv) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
11 **INDIVIDUALS SUBMITTED BY THE CRIMINAL DEFENSE ATTORNEYS OF**
12 **MICHIGAN.**

13 (v) **ONE INDIVIDUAL SELECTED FROM A LIST OF NOT FEWER THAN 3**
14 **INDIVIDUALS SUBMITTED BY THE MICHIGAN STATE POLICE TROOPERS**
15 **ASSOCIATION.**

16 (vi) ~~(iii)~~ One individual selected from a list of **NOT FEWER THAN**
17 3 names submitted by the Michigan chapter of the fraternal order of
18 the police. ~~or its successor organization.~~

19 (vii) ~~(iv)~~ One individual selected from a list of **NOT FEWER THAN**
20 3 names submitted by the police officers association of Michigan.
21 ~~or its successor organization.~~

22 (viii) ~~(v)~~ One individual selected from a list of **NOT FEWER THAN**
23 3 individuals submitted by ~~the Detroit police officers associations~~
24 ~~or their successor organizations.~~ **A POLICE ASSOCIATION NOT OTHERWISE**
25 **REPRESENTED ON THE COMMISSION REPRESENTING LAW ENFORCEMENT OFFICERS**
26 **EMPLOYED BY A LAW ENFORCEMENT AGENCY EMPLOYING MORE THAN 10% OF THE**
27 **POLICE OFFICERS IN THIS STATE.**

Senate Bill No. 411 as amended September 18, 2014

1 (ix) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN 3
2 INDIVIDUALS NOMINATED BY THE POLICE OFFICERS LABOR COUNCIL OF
3 MICHIGAN.

4 (x) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN 3
5 INDIVIDUALS NOMINATED BY THE MICHIGAN ASSOCIATION OF POLICE.

~~<<(xi) ONE INDIVIDUAL SELECTED FROM A LIST OF NOT LESS THAN
3 INDIVIDUALS SUBMITTED BY THE DEPUTY SHERIFF'S ASSOCIATION OF
MICHIGAN.~~

6 (xii) >> THE GOVERNOR MAY APPOINT ANY INDIVIDUAL MEETING THE
7 MEMBERSHIP REQUIREMENTS OF THE ORGANIZATIONS LISTED IN
8 SUBPARAGRAPHS (i) TO <<(xi)>> IF THE ORGANIZATION PERMITTED TO SUBMIT A
9 LIST OF INDIVIDUALS FAILS TO SUBMIT A COMPLETE LIST OF QUALIFIED
10 NOMINEES AT LEAST 30 DAYS BEFORE A VACANCY CREATED BY THE
11 EXPIRATION OF A TERM, OR NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE
12 DATE OF ANY OTHER VACANCY.

13 (E) ~~(d)~~—An individual selected under subdivision ~~(e)~~—(D) shall
14 serve as a commission member only while serving as a member of the
15 ~~respective organizations in subparagraphs (i) to (v).~~ ORGANIZATION
16 THAT SUBMITTED HIS OR HER NAME TO THE GOVERNOR FOR APPOINTMENT.

17 (F) MEMBERS OF THE COMMISSION APPOINTED OR REAPPOINTED UNDER
18 SUBDIVISION (D) (i) TO <<(xi)>> SHALL BE APPOINTED FOR A TERM OF 4 YEARS.

19 (G) APPOINTMENTS UNDER SUBDIVISION (D) SCHEDULED TO EXPIRE ON
20 NOVEMBER 1, 2014 ARE EXTENDED THROUGH DECEMBER 31, 2014.

21 (H) THE EXPIRATION DATES OF APPOINTMENTS UNDER SUBDIVISION (D)
22 SHALL BE DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THEY EXPIRE.

23 ~~——(3) The terms of the members of the law enforcement officers
24 training council expire on the date that all members of the
25 commission on law enforcement standards are appointed.~~

26 (3) A VACANCY ON THE COMMISSION OCCURRING OTHER THAN BY
27 EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR IN THE SAME

1 **MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED**
2 **TERM.**

3 Sec. 5. (1) The commission shall elect from among its members
4 a chairperson and a vice-chairperson who shall serve for 1-year
5 terms and who may be reelected.

6 (2) Membership on the commission does not constitute holding a
7 public office, and members of the commission are not required to
8 take and file oaths of office before serving on the commission.

9 ~~(3) The commission does not have the right to exercise any~~
10 ~~portion of the sovereign power of the state.~~

11 (3) ~~(4)~~ A member of the commission is not disqualified from
12 holding any public office or employment by reason of his or her
13 appointment or membership on the commission and shall not forfeit
14 any public office or employment because of his or her appointment
15 to the commission, notwithstanding any general, special, or local
16 law, ordinance, or city charter.

17 Sec. 6. (1) The commission shall meet not less than 4 times in
18 each year and shall hold special meetings when called by the
19 chairperson or, in the absence of the chairperson, by the vice-
20 chairperson. A special meeting of the commission shall be called by
21 the chairperson upon the written request of 5 members of the
22 commission.

23 (2) The commission shall establish its own procedures and
24 requirements with respect to quorum, place and conduct of its
25 meetings, and other matters.

26 **(3) THE COMMISSION MAY ESTABLISH OTHER PROCEDURES AND**
27 **REQUIREMENTS GOVERNING ITS OPERATIONS TO CARRY OUT THE INTENT OF**

1 THIS ACT.

2 (4) ~~(3)~~—The commission's business shall be conducted in
3 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
4 15.275. Public notice of the time, date, and place of the meeting
5 shall be given in the manner required by the open meetings act,
6 1976 PA 267, MCL 15.261 to 15.275. **NOTWITHSTANDING ANY OTHER**
7 **PROVISION OF LAW, ACTION MAY BE TAKEN BY THE COMMISSION AT A**
8 **MEETING UPON A VOTE OF THE MAJORITY OF ITS MEMBERS PRESENT IN**
9 **PERSON OR THROUGH THE USE OF AMPLIFIED TELEPHONIC EQUIPMENT, IF**
10 **AUTHORIZED BY THE BYLAWS OF THE COMMISSION.**

11 Sec. 7. The commission shall make an annual report to the
12 governor that includes pertinent data regarding the law enforcement
13 officer minimum standards and the degree of participation of
14 municipalities in the training programs, **AS WELL AS ANY OTHER**
15 **INFORMATION THE GOVERNOR REQUESTS OR THE COMMISSION CONSIDERS**
16 **APPROPRIATE.**

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

26 ~~—— (a) Minimum standards of physical, educational, mental, and~~
27 ~~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) Minimum basic training requirements that a person,~~
5 ~~excluding sheriffs, shall complete before being eligible for~~
6 ~~certification under section 9a(1).~~

7 ~~—— (2) If a person's certification under section 9a(1) becomes~~
8 ~~void under section 9a(4) (b), the commission shall waive the~~
9 ~~requirements described in subsection (1) (b) for certification of~~
10 ~~the person under section 9a(1) if 1 or more of the following apply:~~

11 ~~—— (a) The person has been employed 1 year or less as a~~
12 ~~commission certified law enforcement officer and is again employed~~
13 ~~as a law enforcement officer within 1 year after discontinuing~~
14 ~~employment as a commission certified law enforcement officer.~~

15 ~~—— (b) The person has been employed more than 1 year but less~~
16 ~~than 5 years as a commission certified law enforcement officer and~~
17 ~~is again employed as a law enforcement officer within 18 months~~
18 ~~after discontinuing employment as a commission certified law~~
19 ~~enforcement officer.~~

20 ~~—— (c) The person has been employed 5 years or more as a~~
21 ~~commission certified law enforcement officer and is again employed~~
22 ~~as a law enforcement officer within 2 years after discontinuing~~
23 ~~employment as a commission certified law enforcement officer.~~

24 ~~—— (d) The person has successfully completed the mandatory~~
25 ~~training and has been continuously employed as a law enforcement~~
26 ~~officer, but through no fault of that person the employing agency~~
27 ~~failed to obtain certification for that person as required by this~~

1 act.

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

22 ~~—— (4) The commission shall promulgate rules with respect to all~~
23 ~~of the following:~~

24 ~~—— (a) The categories or classifications of advanced in-service~~
25 ~~training programs for commission certified law enforcement officers~~
26 ~~and minimum courses of study and attendance requirements for the~~
27 ~~categories or classifications.~~

1 ~~—— (b) The establishment of subordinate regional training centers~~
2 ~~in strategic geographic locations in order to serve the greatest~~
3 ~~number of police agencies that are unable to support their own~~
4 ~~training programs.~~

5 ~~—— (c) The commission's acceptance of certified basic police~~
6 ~~training and law enforcement experience received by a person in~~
7 ~~another state in fulfillment in whole or in part of the law~~
8 ~~enforcement officer minimum standards.~~

9 ~~—— (d) The commission's approval of police training schools~~
10 ~~administered by a city, county, township, village, corporation,~~
11 ~~college, community college or university.~~

12 ~~—— (e) The minimum qualifications for instructors at approved~~
13 ~~police training schools.~~

14 ~~—— (f) The minimum facilities and equipment required at approved~~
15 ~~police training schools.~~

16 ~~—— (g) The establishment of preservice basic training programs at~~
17 ~~colleges and universities.~~

18 ~~—— (h) Acceptance of basic police training and law enforcement~~
19 ~~experience received by a person in fulfillment in whole or in part~~
20 ~~of the law enforcement officer minimum standards prepared and~~
21 ~~published by the commission if both of the following apply:~~

22 ~~—— (i) The person successfully completed the basic police training~~
23 ~~in another state or through a federally operated police training~~
24 ~~school that was sufficient to fulfill the minimum standards~~
25 ~~required by federal law to be appointed as a law enforcement~~
26 ~~officer of a Michigan Indian tribal police force.~~

27 ~~—— (ii) The person is or was a law enforcement officer of a~~

1 Michigan Indian tribal police force for a period of 1 year or more.

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

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

22 ~~—— (7) A law enforcement officer of a Michigan Indian tribal~~
23 ~~police force is not empowered to exercise the authority of a peace~~
24 ~~officer under the laws of this state and shall not be employed in a~~
25 ~~position for which peace officer authority is granted under the~~
26 ~~laws of this state unless all of the following requirements are~~
27 ~~met:~~

1 ~~—— (a) The tribal law enforcement officer is certified under this~~
2 ~~act.~~

3 ~~—— (b) The tribal law enforcement officer is 1 of the following:~~

4 ~~—— (i) Deputized by the sheriff of the county in which the trust~~
5 ~~lands of the Michigan Indian tribe employing the tribal law~~
6 ~~enforcement officer are located, or by the sheriff of any county~~
7 ~~that borders the trust lands of that Michigan Indian tribe,~~
8 ~~pursuant to section 70 of 1846 RS 14, MCL 51.70.~~

9 ~~—— (ii) Appointed as a police officer of the state or a city,~~
10 ~~township, charter township, or village that is authorized by law to~~
11 ~~appoint individuals as police officers.~~

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

18 ~~—— (d) The written contract described in subdivision (c) is~~
19 ~~incorporated into a self determination contract, grant agreement,~~
20 ~~or cooperative agreement between the United States secretary of the~~
21 ~~interior and the tribal government of the Michigan Indian tribe~~
22 ~~employing the tribal law enforcement officer pursuant to the Indian~~
23 ~~self determination and education assistance act, Public Law 93-638,~~
24 ~~88 Stat. 2203.~~

25 ~~—— (8) A law enforcement officer of a multicounty metropolitan~~
26 ~~district, other than a law enforcement officer employed by a law~~
27 ~~enforcement agency created under the public body law enforcement~~

1 ~~agency act, is not empowered to exercise the authority of a peace~~
2 ~~officer under the laws of this state and shall not be employed in a~~
3 ~~position for which peace officer authority is granted under the~~
4 ~~laws of this state unless all of the following requirements are~~
5 ~~met.~~

6 ~~—— (a) The law enforcement officer has met or exceeded minimum~~
7 ~~standards for certification under this act.~~

8 ~~—— (b) The law enforcement officer is deputized by the sheriff or~~
9 ~~sheriffs of the county or counties in which the land of the~~
10 ~~multicounty metropolitan district employing the law enforcement~~
11 ~~officer is located and in which the law enforcement officer will~~
12 ~~work, pursuant to section 70 of 1946 RS 14, MCL 51.70.~~

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

19 ~~—— (d) The written agreement described in subdivision (c) is~~
20 ~~filed with the commission.~~

21 ~~—— (9) A public body that creates a law enforcement agency under~~
22 ~~the public body law enforcement agency act and that employs 1 or~~
23 ~~more law enforcement officers certified under this act shall be~~
24 ~~considered to be a law enforcement agency for purposes of section~~
25 ~~9d.~~

26 ~~—— (10) The commission may establish an evaluation or testing~~
27 ~~process, or both, for granting a waiver from the law enforcement~~

1 ~~officer minimum standards regarding training requirements to a~~
2 ~~person who has held a certificate under this act and who~~
3 ~~discontinues employment as a law enforcement officer for a period~~
4 ~~of time exceeding the time prescribed in subsection (2)(a) to (c)~~
5 ~~or (6), as applicable.~~

6 (1) THIS SECTION APPLIES TO ALL LAW ENFORCEMENT OFFICERS
7 EXCEPT PERSONS TO WHOM SECTIONS 9A, 9B, AND 9C APPLY. EMPLOYMENT OF
8 LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO
9 THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.

10 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
11 STANDARDS AND PROCEDURES FOR PERSONS LICENSED UNDER THIS SECTION.
12 IN PROMULGATING THE RULES, THE COMMISSION SHALL GIVE CONSIDERATION
13 TO THE VARYING FACTORS AND SPECIAL REQUIREMENTS OF LAW ENFORCEMENT
14 AGENCIES. THE RULES SHALL PERTAIN TO THE FOLLOWING:

15 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
16 OF THE FOLLOWING:

17 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
18 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
19 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
20 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
21 TRAINING ACADEMY.

22 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
23 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
24 STANDARD SPECIFIED IN SUBPARAGRAPH (i).

25 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
26 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION
27 (A).

1 (C) PHYSICAL ABILITY.

2 (D) PSYCHOLOGICAL FITNESS.

3 (E) EDUCATION.

4 (F) READING AND WRITING PROFICIENCY.

5 (G) MINIMUM AGE.

6 (H) VALID OPERATOR'S OR CHAUFFER'S LICENSE.

7 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
8 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
9 EXECUTED BY THE PERSON FOR WHOM LICENSURE IS SOUGHT.

10 (J) UNITED STATES CITIZENSHIP.

11 (K) EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

12 (L) EXECUTION OF A WRITTEN OATH OF OFFICE BY A LAW ENFORCEMENT
13 AGENCY WITH WHOM THE PERSON IS EMPLOYED, CONFERRING AUTHORITY TO
14 ACT WITH ALL OF THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS
15 OF THIS STATE UNDER WHICH THE PERSON IS EMPLOYED.

16 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
17 FOLLOWING PROCEDURES:

18 (A) BEFORE EXECUTING THE OATH OF OFFICE, AN EMPLOYING LAW
19 ENFORCEMENT AGENCY SHALL VERIFY THAT THE PERSON TO WHOM THE OATH IS
20 TO BE ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS.

21 (B) A LAW ENFORCEMENT AGENCY EMPLOYING A PERSON LICENSED UNDER
22 THIS SECTION SHALL AUTHORIZE THE PERSON TO EXERCISE THE LAW
23 ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF THIS STATE UNDER
24 WHICH THE PERSON IS EMPLOYED, BY EXECUTING A WRITTEN OATH OF
25 OFFICE.

26 (C) WITHIN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
27 OFFICE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL ATTEST IN

1 WRITING TO THE COMMISSION THAT THE PERSON TO WHOM THE OATH WAS
2 ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS, BY SUBMITTING
3 AN EXECUTED AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

4 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
5 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE PERSON COMPLIES
6 WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT THE PERSON
7 A LICENSE.

8 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
9 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE PERSON DOES NOT
10 COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY OF
11 THE FOLLOWING:

12 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
13 AFFIDAVIT AND OATH OF OFFICE.

14 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
15 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
16 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

17 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
18 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
19 LICENSING STANDARDS.

20 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE EMPLOYING
21 LAW ENFORCEMENT AGENCY.

22 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
23 ISSUANCE OF A LICENSE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL
24 PROMPTLY INFORM THE PERSON DENIED.

25 (4) A PERSON DENIED A LICENSE UNDER THIS SECTION MAY NOT
26 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF
27 THIS STATE UNDER WHICH THE PERSON IS EMPLOYED. THIS SUBSECTION DOES

1 NOT DIVEST THE PERSON OF THAT AUTHORITY UNTIL THE PERSON HAS BEEN
2 INFORMED OF THE DENIAL.

3 (5) A LAW ENFORCEMENT AGENCY THAT HAS ADMINISTERED AN OATH OF
4 OFFICE TO A PERSON UNDER THIS SECTION SHALL, WITH RESPECT TO THAT
5 PERSON:

6 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
7 AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN RULES
8 PROMULGATED BY THE COMMISSION.

9 (B) REPORT TO THE COMMISSION ACTION TAKEN BY THE EMPLOYING
10 AGENCY THAT REMOVES THE AUTHORITY CONFERRED BY THE OATH OF OFFICE,
11 AND RESTORATION OF THE PERSON'S AUTHORITY TO THAT CONFERRED BY THE
12 OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
13 COMMISSION.

14 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

15 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
16 THAT THE PERSON COMPLIES WITH THE LICENSING STANDARDS.

17 (6) A PERSON LICENSED UNDER THIS SECTION SHALL:

18 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR
19 WHICH THAT PERSON'S LICENSE MAY BE REVOKED AS DESCRIBED IN THIS
20 SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
21 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

22 (B) REPORT TO THE COMMISSION THE IMPOSITION OF A PERSONAL
23 PROTECTION ORDER AGAINST THAT PERSON AFTER A JUDICIAL HEARING UNDER
24 SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961
25 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY OTHER
26 JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH AN
27 ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE

1 COMMISSION.

2 (7) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
3 AND MAY BE REACTIVATED, AS FOLLOWS:

4 (A) A LICENSE IS RENDERED INACTIVE IF:

5 (i) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER
6 IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER CONTINUOUSLY
7 NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS THAN 1 YEAR.

8 (ii) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
9 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
10 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
11 THE OATH OF OFFICE FOR LESS THAN 1 YEAR.

12 (iii) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
13 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
14 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
15 THAN 2 YEARS.

16 (iv) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
17 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
18 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
19 OFFICE FOR LESS THAN 2 YEARS.

20 (B) AN EMPLOYING LAW ENFORCEMENT AGENCY MAY REACTIVATE A
21 LICENSE RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE
22 PROCEDURES DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF
23 AND ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS
24 DESCRIBED IN SUBSECTION (2) (A) TO (G).

25 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
26 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

27 (8) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,

1 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

2 (A) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
3 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
4 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.

5 (B) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
6 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
7 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
8 THE OATH OF OFFICE FOR 1 YEAR.

9 (C) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
10 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
11 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.

12 (D) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
13 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
14 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
15 OFFICE FOR 2 YEARS.

16 (9) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
17 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
18 GOVERNING THESE REVOCATIONS:

19 (A) THE PERSON OBTAINED THE LICENSE BY MAKING A MATERIALLY
20 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
21 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
22 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
23 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
24 LICENSURE APPLICATION.

25 (B) THE PERSON OBTAINED THE LICENSE BECAUSE ANOTHER PERSON
26 MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR COMMITTED
27 FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW

1 ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT
2 AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION, APPOINTMENT,
3 ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

4 (C) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
5 FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
6 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
7 FOR MORE THAN 1 YEAR.

8 (D) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
9 FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING PENAL
10 LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION SUBSTANTIALLY
11 CORRESPONDING TO THEM:

- 12 (i) MCL 750.81(3) .
13 (ii) MCL 750.81A(1) .
14 (iii) MCL 750.81A(2) .
15 (iv) MCL 750.411H(2) (A) .
16 (v) MCL 333.7403(2) (C) .
17 (vi) MCL 333.7404(2) (A) .
18 (vii) MCL 333.7404(2) (B) .
19 (viii) MCL 333.7404(2) (C) .
20 (ix) MCL 257.625(9) (B) .

21 (10) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
22 LICENSE REVOCATION UNDER THIS SECTION:

23 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
24 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
25 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
26 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

27 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A

1 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
2 1969 PA 306, MCL 24.201 TO 24.328.

3 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, A PERSON MAY
4 VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER LAW ENFORCEMENT
5 OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC AN AFFIDAVIT OF
6 LICENSE RELINQUISHMENT PRESCRIBED BY THE COMMISSION.

7 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
8 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
9 FROM THE ADJUDICATION OF GUILT.

10 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
11 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
12 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
13 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
14 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
15 JUDICIAL REVIEW.

16 (11) A PERSON LICENSED UNDER THIS SECTION MAY NOT EXERCISE THE
17 LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF THIS STATE UNDER
18 WHICH THE PERSON IS EMPLOYED IF ANY OF THE FOLLOWING OCCUR:

19 (A) THE PERSON'S LICENSE IS RENDERED VOID BY A COURT ORDER OR
20 OTHER OPERATION OF LAW.

21 (B) THE PERSON'S LICENSE IS REVOKED.

22 (C) THE PERSON'S LICENSE IS RENDERED INACTIVE.

23 (D) THE PERSON'S LICENSE IS RENDERED LAPSED.

24 Sec. 9a. ~~(1) The commission shall grant certification to a~~
25 ~~person who meets the law enforcement officer minimum standards at~~
26 ~~the time he or she is employed as a law enforcement officer.~~

27 ~~—————(2) The commission shall grant certification to a person who~~

1 ~~was employed as a law enforcement officer before January 1, 1977~~
2 ~~and who fails to meet the law enforcement officer minimum standards~~
3 ~~if the person is authorized to be employed as a law enforcement~~
4 ~~officer under section 9.~~

5 ~~—— (3) The commission shall grant certification to an elected~~
6 ~~sheriff, which certification shall remain valid only while that~~
7 ~~sheriff is in office.~~

8 ~~—— (4) Certification granted to a person under this act is valid~~
9 ~~until either of the following occurs:~~

10 ~~—— (a) The certification is revoked.~~

11 ~~—— (b) The certification becomes void because the person~~
12 ~~discontinues his or her employment as a commission certified law~~
13 ~~enforcement officer.~~

14 ~~—— (5) The commission shall issue a certificate to a person who~~
15 ~~has received certification. A certificate issued to a person~~
16 ~~remains the property of the commission.~~

17 ~~—— (6) Upon request of the commission, a person whose~~
18 ~~certification is revoked, or becomes void because the person~~
19 ~~discontinues his or her employment as a commission certified law~~
20 ~~enforcement officer, shall return to the commission the certificate~~
21 ~~issued to the person. A violation of this subsection is a~~
22 ~~misdemeanor, punishable by imprisonment for 90 days, a fine of not~~
23 ~~more than \$500.00, or both.~~

24 **(1) THIS SECTION APPLIES ONLY TO PERSONS ELECTED OR APPOINTED**
25 **TO THE OFFICE OF SHERIFF IN THIS STATE. EMPLOYMENT OF LAW**
26 **ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO THE**
27 **LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.**

1 (2) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
2 FOLLOWING PROCEDURES:

3 (A) WITHIN 10 CALENDAR DAYS AFTER TAKING AN OATH OF OFFICE FOR
4 THE OFFICE OF SHERIFF IN THIS STATE, A PERSON SHALL SUBMIT TO THE
5 COMMISSION A COPY OF THE EXECUTED OATH OF OFFICE.

6 (B) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE
7 COMMISSION DETERMINES THAT THE PERSON HAS BEEN ELECTED OR APPOINTED
8 TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION SHALL GRANT
9 THE PERSON A LICENSE.

10 (C) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE
11 COMMISSION DETERMINES THAT THE PERSON HAS NOT BEEN ELECTED OR
12 APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION
13 MAY DO EITHER OF THE FOLLOWING:

14 (i) VERIFY, THROUGH OTHER MEANS, ELECTION OR APPOINTMENT TO THE
15 OFFICE OF SHERIFF IN THIS STATE.

16 (ii) DENY THE ISSUANCE OF A LICENSE AND INFORM THE PERSON
17 DENIED.

18 (3) A PERSON LICENSED UNDER THIS SECTION SHALL:

19 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR
20 WHICH THAT PERSON'S LICENSE MAY BE REVOKED AS DESCRIBED IN THIS
21 SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
22 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

23 (B) REPORT TO THE COMMISSION THE IMPOSITION OF A PERSONAL
24 PROTECTION ORDER AGAINST THAT PERSON AFTER A JUDICIAL HEARING UNDER
25 SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961
26 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY OTHER
27 JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH AN

1 ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
2 COMMISSION.

3 (4) A LICENSE GRANTED UNDER THIS SECTION IS VALID UNTIL ANY OF
4 THE FOLLOWING OCCUR:

5 (A) A COURT ORDER OR OTHER OPERATION OF LAW RENDERS THE
6 LICENSE VOID.

7 (B) THE PERSON'S TERM OF OFFICE AS A SHERIFF IN THIS STATE
8 EXPIRES.

9 (C) THE COMMISSION REVOKES THE LICENSE AS PROVIDED IN THIS
10 SECTION.

11 (5) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
12 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
13 GOVERNING THESE REVOCATIONS:

14 (A) THE PERSON OBTAINED THE LICENSE BY MAKING A MATERIALLY
15 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
16 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
17 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
18 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
19 LICENSURE APPLICATION.

20 (B) THE PERSON OBTAINED THE LICENSE BECAUSE ANOTHER PERSON
21 MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR COMMITTED
22 FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW
23 ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT
24 AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION, APPOINTMENT,
25 ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

26 (C) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
27 FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS

1 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
2 FOR MORE THAN 1 YEAR.

3 (D) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
4 FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING PENAL
5 LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION SUBSTANTIALLY
6 CORRESPONDING TO THEM:

7 (i) MCL 750.81(3).

8 (ii) MCL 750.81A(1).

9 (iii) MCL 750.81A(2).

10 (iv) MCL 750.411H(2)(A).

11 (v) MCL 333.7403(2)(C).

12 (vi) MCL 333.7404(2)(A).

13 (vii) MCL 333.7404(2)(B).

14 (viii) MCL 333.7404(2)(C).

15 (ix) MCL 257.625(9)(B).

16 (6) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO LICENSE
17 REVOCATION UNDER THIS SECTION:

18 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
19 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
20 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
21 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

22 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
23 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
24 1969 PA 306, MCL 24.201 TO 24.328.

25 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, A PERSON MAY
26 VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER LAW ENFORCEMENT
27 OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC AN AFFIDAVIT OF

1 LICENSE RELINQUISHMENT PRESCRIBED BY THE COMMISSION.

2 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
3 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
4 FROM THE ADJUDICATION OF GUILT.

5 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
6 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
7 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
8 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
9 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
10 JUDICIAL REVIEW.

11 Sec. 9b. ~~(1) The commission shall promulgate rules that~~
12 ~~provide for the revocation of certification of a law enforcement~~
13 ~~officer for 1 or more of the following:~~

14 ~~—— (a) Conviction by a judge or jury of a felony.~~

15 ~~—— (b) Conviction by a plea of guilty to a felony.~~

16 ~~—— (c) Conviction by a plea of no contest to a felony.~~

17 ~~—— (d) Making a materially false statement or committing fraud~~
18 ~~during the application for certification process.~~

19 ~~—— (2) The rules shall provide for the suspension of a law~~
20 ~~enforcement officer from use of the law enforcement information~~
21 ~~network in the event the law enforcement officer wrongfully~~
22 ~~discloses information from the law enforcement information network.~~

23 ~~—— (3) Except as provided in subsection (4), if the commission~~
24 ~~issues a final decision or order to revoke the certification of a~~
25 ~~law enforcement officer, that decision or order is subject to~~
26 ~~judicial review as provided in the administrative procedures act of~~
27 ~~1969, 1969 PA 306, MCL 24.201 to 24.328.~~

1 ~~—— (4) A petition for judicial review of a final decision or~~
2 ~~order of the commission revoking the certification of a law~~
3 ~~enforcement officer shall be filed only in the circuit court for~~
4 ~~Ingham county.~~

5 ~~—— (5) The commission may issue a subpoena in a contested case to~~
6 ~~revoke a law enforcement officer's certification. The subpoena~~
7 ~~shall be issued as provided in section 73 of the administrative~~
8 ~~procedures act of 1969, 1969 PA 306, MCL 24.273.~~

9 (1) THIS SECTION APPLIES ONLY TO PERSONS WHO ARE EMPLOYED AS
10 MICHIGAN TRIBAL LAW ENFORCEMENT OFFICERS IN THIS STATE AND ARE
11 SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THEM TO ENFORCE THE
12 LAWS OF THIS STATE. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
13 THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
14 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS
15 SECTION.

16 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
17 STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

18 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
19 OF THE FOLLOWING:

20 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
21 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
22 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
23 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
24 TRAINING ACADEMY.

25 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
26 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
27 STANDARD SPECIFIED IN SUBPARAGRAPH (i).

1 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
2 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION
3 (A) .

4 (C) PHYSICAL ABILITY.

5 (D) PSYCHOLOGICAL FITNESS.

6 (E) EDUCATION.

7 (F) READING AND WRITING PROFICIENCY.

8 (G) MINIMUM AGE.

9 (H) VALID OPERATOR'S OR CHAUFFER'S LICENSE.

10 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
11 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
12 EXECUTED BY THE PERSON FOR WHOM LICENSURE IS SOUGHT.

13 (J) UNITED STATES CITIZENSHIP.

14 (K) EMPLOYMENT AS A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER.

15 (L) EXECUTION OF A WRITTEN INSTRUMENT CONFERRING AUTHORITY UPON
16 THE PERSON TO ENFORCE THE LAWS OF THIS STATE, CONSISTING OF ANY OF
17 THE FOLLOWING:

18 (i) DEPUTATION BY A SHERIFF OF THIS STATE, CONFERRING AUTHORITY
19 UPON THE PERSON TO ENFORCE THE LAWS OF THIS STATE.

20 (ii) APPOINTMENT AS A LAW ENFORCEMENT OFFICER BY A LAW
21 ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE PERSON TO ENFORCE
22 THE LAWS OF THIS STATE.

23 (iii) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THE MICHIGAN
24 TRIBAL LAW ENFORCEMENT AGENCY WITH WHOM THE PERSON IS EMPLOYED AND
25 A LAW ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE PERSON TO
26 ENFORCE THE LAWS OF THIS STATE.

27 (iv) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THIS STATE, OR A

1 SUBDIVISION OF THIS STATE, AND THE UNITED STATES, CONFERRING
2 AUTHORITY UPON THE PERSON TO ENFORCE THE LAWS OF THIS STATE.

3 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
4 FOLLOWING PROCEDURES:

5 (A) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
6 CONFERRING AUTHORITY UPON A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER
7 AS PROVIDED IN THIS SECTION SHALL CONFER THE AUTHORITY TO ENFORCE
8 THE LAWS OF THIS STATE BY EXECUTING A WRITTEN INSTRUMENT AS
9 PROVIDED IN THIS SECTION.

10 (B) BEFORE EXECUTING THE WRITTEN INSTRUMENT, A LAW ENFORCEMENT
11 AGENCY OR OTHER GOVERNMENTAL AGENCY SHALL VERIFY THAT THE PERSON
12 COMPLIES WITH THE LICENSING STANDARDS.

13 (C) WITHIN 10 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THE
14 WRITTEN INSTRUMENT, THE LAW ENFORCEMENT AGENCY OR OTHER
15 GOVERNMENTAL AGENCY EXECUTING THE WRITTEN INSTRUMENT SHALL ATTEST
16 IN WRITING TO THE COMMISSION THAT THE PERSON TO WHOM THE AUTHORITY
17 WAS CONFERRED COMPLIES WITH THE LICENSING STANDARDS, BY SUBMITTING
18 AN EXECUTED AFFIDAVIT AND A COPY OF THE WRITTEN INSTRUMENT.

19 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
20 INSTRUMENT, THE COMMISSION DETERMINES THAT THE PERSON COMPLIES WITH
21 THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT THE PERSON A
22 LICENSE.

23 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
24 INSTRUMENT, THE COMMISSION DETERMINES THAT THE PERSON DOES NOT
25 COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY OF
26 THE FOLLOWING:

27 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE

1 AFFIDAVIT AND OATH OF OFFICE.

2 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
3 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
4 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

5 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
6 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
7 LICENSING STANDARDS.

8 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE LAW
9 ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING
10 AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON A PERSON TO WHOM
11 THIS SECTION APPLIES.

12 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
13 ISSUANCE OF A LICENSE, A LAW ENFORCEMENT AGENCY OR OTHER
14 GOVERNMENTAL AGENCY CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
15 THIS STATE UPON A PERSON TO WHOM THIS SECTION APPLIES SHALL
16 PROMPTLY INFORM THE PERSON DENIED.

17 (4) A PERSON DENIED A LICENSE UNDER THIS SECTION MAY NOT
18 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN
19 INSTRUMENT CONFERRING AUTHORITY UPON THE PERSON TO ENFORCE THE LAWS
20 OF THIS STATE. THIS SUBSECTION DOES NOT DIVEST THE PERSON OF THAT
21 AUTHORITY UNTIL THE PERSON HAS BEEN INFORMED OF THE DENIAL.

22 (5) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
23 LAWS OF THIS STATE UPON A PERSON TO WHOM THIS SECTION APPLIES SHALL
24 INCLUDE THE FOLLOWING:

25 (A) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
26 ENFORCEMENT AGENCY REPORT TO THE COMMISSION ALL PERSONNEL
27 TRANSACTIONS AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN

1 RULES PROMULGATED BY THE COMMISSION.

2 (B) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
3 ENFORCEMENT AGENCY REPORT TO THE COMMISSION ACTION IT TAKES THAT
4 REMOVES THE AUTHORITY CONFERRED BY THE WRITTEN INSTRUMENT
5 CONFERRING AUTHORITY UPON THE PERSON TO ENFORCE THE LAWS OF THIS
6 STATE, AND RESTORATION OF THE PERSON'S AUTHORITY TO THAT CONFERRED
7 BY THE WRITTEN INSTRUMENT, IN A MANNER PRESCRIBED IN RULES
8 PROMULGATED BY THE COMMISSION.

9 (C) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
10 ENFORCEMENT AGENCY MAINTAIN AN EMPLOYMENT HISTORY RECORD.

11 (D) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
12 ENFORCEMENT AGENCY COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION
13 ESTABLISHING THAT THE PERSON COMPLIES WITH THE APPLICABLE LICENSING
14 STANDARDS.

15 (6) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
16 LAWS OF THIS STATE UPON A PERSON TO WHOM THIS SECTION APPLIES SHALL
17 INCLUDE THE FOLLOWING:

18 (A) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
19 ENFORCEMENT AGENCY REPORT TO THE COMMISSION CRIMINAL CHARGES FOR
20 OFFENSES FOR WHICH THAT PERSON'S LICENSE MAY BE REVOKED AS
21 DESCRIBED IN THIS SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN
22 A MANNER PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

23 (B) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
24 ENFORCEMENT AGENCY REPORT TO THE COMMISSION THE IMPOSITION OF A
25 PERSONAL PROTECTION ORDER AGAINST THAT PERSON AFTER A JUDICIAL
26 HEARING UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT
27 OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS

1 OF ANY OTHER JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF
2 SUCH AN ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
3 COMMISSION.

4 (7) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
5 AND MAY BE REACTIVATED, AS FOLLOWS:

6 (A) A LICENSE IS RENDERED INACTIVE IF:

7 (i) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER
8 IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER CONTINUOUSLY
9 NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS THAN 1 YEAR.

10 (ii) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
11 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
12 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
13 THE WRITTEN INSTRUMENT AUTHORIZING THE PERSON TO ENFORCE THE LAWS
14 OF THIS STATE FOR LESS THAN 1 YEAR.

15 (iii) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
16 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
17 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
18 THAN 2 YEARS.

19 (iv) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
20 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
21 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
22 INSTRUMENT AUTHORIZING THE PERSON TO ENFORCE THE LAWS OF THIS STATE
23 FOR LESS THAN 2 YEARS.

24 (B) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
25 CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON A
26 PERSON TO WHOM THIS SECTION APPLIES MAY REACTIVATE A LICENSE
27 RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE PROCEDURES

1 DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF AND
2 ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS DESCRIBED IN
3 SUBSECTION (2) (A) TO (G).

4 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
5 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

6 (8) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
7 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

8 (A) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
9 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
10 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.

11 (B) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
12 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
13 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
14 THE WRITTEN INSTRUMENT AUTHORIZING THE PERSON TO ENFORCE THE LAWS
15 OF THIS STATE FOR 1 YEAR.

16 (C) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
17 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
18 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.

19 (D) A PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
20 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
21 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
22 INSTRUMENT AUTHORIZING THE PERSON TO ENFORCE THE LAWS OF THIS STATE
23 FOR 2 YEARS.

24 (9) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
25 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
26 GOVERNING THESE REVOCATIONS:

27 (A) THE PERSON OBTAINED THE LICENSE BY MAKING A MATERIALLY

1 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
2 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
3 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
4 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
5 LICENSURE APPLICATION.

6 (B) THE PERSON OBTAINED THE LICENSE BECAUSE ANOTHER PERSON
7 MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR COMMITTED
8 FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW
9 ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT
10 AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION, APPOINTMENT,
11 ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

12 (C) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
13 FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
14 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
15 FOR MORE THAN 1 YEAR.

16 (D) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
17 FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING PENAL
18 LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION SUBSTANTIALLY
19 CORRESPONDING TO THEM:

- 20 (i) MCL 750.81(3) .
21 (ii) MCL 750.81A(1) .
22 (iii) MCL 750.81A(2) .
23 (iv) MCL 750.411H(2) (A) .
24 (v) MCL 333.7403(2) (C) .
25 (vi) MCL 333.7404(2) (A) .
26 (vii) MCL 333.7404(2) (B) .
27 (viii) MCL 333.7404(2) (C) .

1 (ix) MCL 257.625(9)(B).

2 (10) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
3 LICENSE REVOCATION UNDER THIS SECTION:

4 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
5 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
6 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
7 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

8 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
9 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
10 1969 PA 306, MCL 24.201 TO 24.328.

11 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, A PERSON MAY
12 VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER LAW ENFORCEMENT
13 OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC AN AFFIDAVIT OF
14 LICENSE RELINQUISHMENT PRESCRIBED BY THE COMMISSION.

15 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
16 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
17 FROM THE ADJUDICATION OF GUILT.

18 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
19 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
20 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
21 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
22 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
23 JUDICIAL REVIEW.

24 (11) A PERSON LICENSED UNDER THIS SECTION MAY NOT EXERCISE THE
25 LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN INSTRUMENT
26 CONFERRING AUTHORITY UPON THE PERSON TO ENFORCE THE LAWS OF THIS
27 STATE IF ANY OF THE FOLLOWING OCCUR:

1 (A) THE PERSON'S LICENSE IS RENDERED VOID BY A COURT ORDER OR
2 OTHER OPERATION OF LAW.

3 (B) THE PERSON'S LICENSE IS REVOKED.

4 (C) THE PERSON'S LICENSE IS RENDERED INACTIVE.

5 (D) THE PERSON'S LICENSE IS RENDERED LAPSED.

6 Sec. 9c. ~~(1) The commission may investigate alleged violations~~
7 ~~of this act or rules promulgated under this act.~~

8 ~~————(2) In conducting an investigation, the commission may hold~~
9 ~~hearings, administer oaths, issue subpoenas, and order testimony to~~
10 ~~be taken at a hearing or by deposition. A hearing held under this~~
11 ~~section shall be conducted in accordance with chapter 4 of the~~
12 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to~~
13 ~~24.287. A final decision order issued by the commission is subject~~
14 ~~to judicial review as provided by chapter 6 of the administrative~~
15 ~~procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306.~~

16 ~~————(3) The commission may issue a subpoena to do either of the~~
17 ~~following:~~

18 ~~————(a) Compel the attendance of a witness to testify at a hearing~~
19 ~~or deposition and give testimony.~~

20 ~~————(b) Produce books, papers, documents, or other items.~~

21 ~~————(4) If a subpoena issued by the commission is not obeyed, the~~
22 ~~commission may petition the circuit court to require the attendance~~
23 ~~of a witness or the production of books, papers, documents, or~~
24 ~~other items. The circuit court may issue an order requiring a~~
25 ~~person to appear and give testimony or produce books, papers,~~
26 ~~documents, or other items. Failure to obey the order of the circuit~~
27 ~~court may be punished by the court as a contempt of court.~~

1 (1) THIS SECTION APPLIES ONLY TO PERSONS WHO ARE EMPLOYED AS
2 FIRE ARSON INVESTIGATORS FROM FIRE DEPARTMENTS WITHIN VILLAGES,
3 CITIES, TOWNSHIPS, OR COUNTIES IN THIS STATE, WHO ARE SWORN AND
4 FULLY EMPOWERED BY THE CHIEFS OF POLICE OF THOSE VILLAGES, CITIES,
5 TOWNSHIPS, OR COUNTIES. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
6 THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
7 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS
8 SECTION.

9 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
10 STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

11 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
12 OF THE FOLLOWING:

13 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
14 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
15 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
16 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
17 TRAINING ACADEMY.

18 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
19 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
20 STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

21 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
22 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION

23 (A) .

24 (C) PHYSICAL ABILITY.

25 (D) PSYCHOLOGICAL FITNESS.

26 (E) EDUCATION.

27 (F) READING AND WRITING PROFICIENCY.

1 (G) MINIMUM AGE.

2 (H) VALID OPERATOR'S OR CHAUFFER'S LICENSE.

3 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
4 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
5 EXECUTED BY THE PERSON FOR WHOM LICENSURE IS SOUGHT.

6 (J) UNITED STATES CITIZENSHIP.

7 (K) EMPLOYMENT AS A FIRE ARSON INVESTIGATOR FROM A FIRE
8 DEPARTMENT WITHIN A VILLAGE, CITY, TOWNSHIP, OR COUNTY IN THIS
9 STATE, WHO IS SWORN AND FULLY EMPOWERED BY THE CHIEF OF POLICE OF
10 THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

11 (L) EXECUTION OF A WRITTEN OATH OF OFFICE BY THE CHIEF OF
12 POLICE OF A VILLAGE, CITY, TOWNSHIP, OR COUNTY LAW ENFORCEMENT
13 AGENCY, CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE.

14 (3) LICENSURE UNDER THIS SECTION SHALL COMPLY WITH THE
15 FOLLOWING PROCEDURES:

16 (A) BEFORE EXECUTING THE OATH OF OFFICE, THE CHIEF OF POLICE
17 SHALL VERIFY THAT THE PERSON TO WHOM THE OATH IS TO BE ADMINISTERED
18 COMPLIES WITH THE LICENSING STANDARDS.

19 (B) THE CHIEF OF POLICE SHALL EXECUTE AN OATH OF OFFICE TO
20 AUTHORIZE THE PERSON TO ENFORCE THE LAWS OF THIS STATE.

21 (C) WITHIN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
22 OFFICE, THE CHIEF OF POLICE SHALL ATTEST IN WRITING TO THE
23 COMMISSION THAT THE PERSON TO WHOM THE OATH WAS ADMINISTERED
24 COMPLIES WITH THE LICENSING STANDARDS, BY SUBMITTING AN EXECUTED
25 AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

26 (D) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
27 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE PERSON COMPLIES

1 WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT THE PERSON
2 A LICENSE.

3 (E) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
4 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE PERSON DOES NOT
5 COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY OF
6 THE FOLLOWING:

7 (i) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
8 AFFIDAVIT AND OATH OF OFFICE.

9 (ii) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
10 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
11 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

12 (iii) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
13 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
14 LICENSING STANDARDS.

15 (iv) DENY THE ISSUANCE OF A LICENSE AND INFORM THE CHIEF OF
16 POLICE.

17 (F) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
18 ISSUANCE OF A LICENSE, THE CHIEF OF POLICE SHALL PROMPTLY INFORM
19 THE PERSON DENIED.

20 (4) A PERSON DENIED A LICENSE UNDER THIS SECTION MAY NOT
21 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF
22 OFFICE. THIS SUBSECTION DOES NOT DIVEST THE PERSON OF THAT
23 AUTHORITY UNTIL THE PERSON HAS BEEN INFORMED OF THE DENIAL.

24 (5) A CHIEF OF POLICE THAT HAS ADMINISTERED AN OATH OF OFFICE
25 TO A PERSON UNDER THIS SECTION SHALL, WITH RESPECT TO THAT PERSON:

26 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
27 AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN RULES

1 PROMULGATED BY THE COMMISSION.

2 (B) REPORT TO THE COMMISSION ACTION TAKEN BY THE CHIEF OF
3 POLICE THAT REMOVES THE AUTHORITY CONFERRED BY THE OATH OF OFFICE,
4 AND RESTORATION OF THE PERSON'S AUTHORITY TO THAT CONFERRED BY THE
5 OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
6 COMMISSION.

7 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

8 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
9 THAT THE PERSON COMPLIES WITH THE APPLICABLE LICENSING STANDARDS.

10 (6) A PERSON LICENSED UNDER THIS SECTION SHALL:

11 (A) REPORT TO THE COMMISSION CRIMINAL CHARGES FOR OFFENSES FOR
12 WHICH THAT PERSON'S LICENSE MAY BE REVOKED AS DESCRIBED IN THIS
13 SECTION, UPON BEING INFORMED OF SUCH CHARGES, IN A MANNER
14 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

15 (B) REPORT TO THE COMMISSION IMPOSITION OF A PERSONAL
16 PROTECTION ORDER AGAINST THAT PERSON AFTER A JUDICIAL HEARING UNDER
17 SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961
18 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY OTHER
19 JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH AN
20 ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
21 COMMISSION.

22 (7) A LICENSE GRANTED UNDER THIS SECTION IS RENDERED LAPSED,
23 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

24 (A) THE PERSON IS NO LONGER EMPLOYED AS A FIRE ARSON
25 INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A VILLAGE, CITY,
26 TOWNSHIP, OR COUNTY IN THIS STATE, WHO IS SWORN AND FULLY EMPOWERED
27 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY,

1 RENDERING THE LICENSE LAPSED.

2 (B) THE PERSON IS SUBJECTED TO A REMOVAL OF THE AUTHORITY
3 CONFERRED BY THE OATH OF OFFICE, RENDERING THE LICENSE LAPSED.

4 (8) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
5 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES
6 GOVERNING THESE REVOCATIONS:

7 (A) THE PERSON OBTAINED THE LICENSE BY MAKING A MATERIALLY
8 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
9 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
10 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
11 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
12 LICENSURE APPLICATION.

13 (B) THE PERSON OBTAINED THE LICENSE BECAUSE ANOTHER PERSON
14 MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR COMMITTED
15 FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW
16 ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT
17 AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION, APPOINTMENT,
18 ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

19 (C) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
20 FOR ANY VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
21 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
22 FOR MORE THAN 1 YEAR.

23 (D) THE PERSON HAS BEEN SUBJECTED TO AN ADJUDICATION OF GUILT
24 FOR VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING PENAL
25 LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION SUBSTANTIALLY
26 CORRESPONDING TO THEM:

27 (i) MCL 750.81(3).

1 (ii) MCL 750.81A(1) .

2 (iii) MCL 750.81A(2) .

3 (iv) MCL 750.411H(2) (A) .

4 (v) MCL 333.7403(2) (C) .

5 (vi) MCL 333.7404(2) (A) .

6 (vii) MCL 333.7404(2) (B) .

7 (viii) MCL 333.7404(2) (C) .

8 (ix) MCL 257.625(9) (B) .

9 (9) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO LICENSE
10 REVOCATION UNDER THIS SECTION:

11 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
12 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
13 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
14 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

15 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
16 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
17 1969 PA 306, MCL 24.201 TO 24.328.

18 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, A PERSON MAY
19 VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER LAW ENFORCEMENT
20 OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC AN AFFIDAVIT OF
21 LICENSE RELINQUISHMENT PRESCRIBED BY THE COMMISSION.

22 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
23 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
24 FROM THE ADJUDICATION OF GUILT.

25 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
26 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
27 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,

1 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
2 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
3 JUDICIAL REVIEW.

4 (10) A PERSON LICENSED UNDER THIS SECTION MAY NOT EXERCISE THE
5 LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF OFFICE IF ANY OF
6 THE FOLLOWING OCCUR:

7 (A) THE PERSON'S LICENSE IS RENDERED VOID BY A COURT ORDER OR
8 OTHER OPERATION OF LAW.

9 (B) THE PERSON'S LICENSE IS REVOKED.

10 (C) THE PERSON'S LICENSE IS RENDERED LAPSED.

11 ~~Sec. 10. (1) The commission may enter into agreements with~~
12 ~~public or private colleges, universities, or other agencies to~~
13 ~~carry out the intent of this act.~~

14 ~~—— (2) The commission may impose a reasonable fee for performing~~
15 ~~any service identified in sections 37 to 42 of the private security~~
16 ~~business and security alarm act, 1968 PA 330, MCL 338.1087 to~~
17 ~~338.1092, which shall be payable by the private college or~~
18 ~~university in connection with which the duties are performed. No~~
19 ~~fee shall exceed the commission's actual cost incurred in~~
20 ~~performing agreed upon duties.~~

21 (1) THE COMMISSION MAY INVESTIGATE ALLEGED VIOLATIONS OF THIS
22 ACT OR RULES PROMULGATED UNDER THIS ACT.

23 (2) IN CONDUCTING AN INVESTIGATION, THE COMMISSION MAY HOLD
24 HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS, AND ORDER TESTIMONY TO
25 BE TAKEN AT A HEARING OR BY DEPOSITION. A HEARING HELD UNDER THIS
26 SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4 OF THE
27 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO

1 24.287. A FINAL DECISION OR ORDER ISSUED BY THE COMMISSION IS
2 SUBJECT TO JUDICIAL REVIEW AS PROVIDED BY CHAPTER 6 OF THE
3 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.301 TO
4 24.306. A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR ORDER
5 OF THE COMMISSION SHALL BE ADJUDICATED ONLY IN THE CIRCUIT COURT
6 FOR INGHAM COUNTY.

7 (3) THE COMMISSION MAY ISSUE A SUBPOENA TO DO EITHER OF THE
8 FOLLOWING:

9 (A) COMPEL THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEARING
10 OR DEPOSITION AND GIVE TESTIMONY.

11 (B) PRODUCE BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS.

12 (4) IF A SUBPOENA ISSUED BY THE COMMISSION IS NOT OBEYED, THE
13 COMMISSION MAY PETITION THE CIRCUIT COURT TO REQUIRE THE ATTENDANCE
14 OF A WITNESS OR THE PRODUCTION OF BOOKS, PAPERS, DOCUMENTS, OR
15 OTHER ITEMS. THE CIRCUIT COURT MAY ISSUE AN ORDER REQUIRING A
16 PERSON TO APPEAR AND GIVE TESTIMONY OR PRODUCE BOOKS, PAPERS,
17 DOCUMENTS, OR OTHER ITEMS. FAILURE TO OBEY AN ORDER OF THE CIRCUIT
18 COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

19 (5) THE COMMISSION HAS STANDING TO COMMENCE AN ACTION IN THE
20 CIRCUIT COURT FOR INGHAM COUNTY TO COMPEL COMPLIANCE WITH THIS ACT
21 OR 1982 PA 302, MCL 18.421 TO 18.429, OR AN ADMINISTRATIVE RULE
22 PROMULGATED UNDER THIS ACT OR 1982 PA 302, MCL 18.421 TO 18.429.

23 Sec. 11. (1) The commission may do ~~all~~ 1 OR MORE of the
24 following:

25 ~~— (a) Visit and inspect a police training school, or examine the~~
26 ~~curriculum or training procedures of a police training school, for~~
27 ~~which application for approval of the school has been made.~~

- 1 ~~—— (b) Issue certificates of approval to police training schools.~~
- 2 ~~—— (c) Authorize the issuance of certificates of graduation or~~
3 ~~diplomas by approved police training schools to law enforcement~~
4 ~~officers who have satisfactorily completed minimum courses of~~
5 ~~study.~~
- 6 ~~—— (d) Cooperate with state, federal, and local police agencies~~
7 ~~to establish and conduct local or area schools, or regional~~
8 ~~training centers for instruction and training of law enforcement~~
9 ~~officers of this state and of cities, counties, townships, and~~
10 ~~villages.~~
- 11 ~~—— (e) Make recommendations to the legislature on matters~~
12 ~~pertaining to qualification and training of law enforcement~~
13 ~~officers.~~
- 14 ~~—— (f) Establish preservice basic training programs at colleges~~
15 ~~and universities.~~
- 16 ~~—— (g) Require an examination for law enforcement officer~~
17 ~~certification under section 9a(1).~~
- 18 ~~—— (h) Issue a waiver as provided for under section 9(7), or~~
19 ~~9(3)(c), or 9(3)(h).~~
- 20 ~~—— (i) Establish and charge a fee to recover the cost of testing~~
21 ~~and training individuals who are not employed by a Michigan law~~
22 ~~enforcement agency.~~
- 23 ~~—— (j) Establish and charge a fee to recover the cost of issuing~~
24 ~~and reissuing certificates for individuals who are certified as law~~
25 ~~enforcement officers in this state.~~
- 26 ~~—— (2) Fees charged under subsection (1)(i) and (j) shall be~~
27 ~~deposited in the law enforcement officer training fund created in~~

1 ~~section 13.~~

2 (A) ENTER INTO AGREEMENTS WITH COLLEGES, UNIVERSITIES,
3 GOVERNMENTAL AGENCIES, AND PRIVATE ENTITIES TO CARRY OUT THE INTENT
4 OF THIS ACT.

5 (B) ISSUE CERTIFICATES OF APPROVAL TO AGENCY BASIC LAW
6 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
7 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
8 TRAINING ACADEMIES.

9 (C) AUTHORIZE ISSUANCE OF CERTIFICATES OF GRADUATION OR
10 DIPLOMAS BY AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES,
11 PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND
12 REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMIES TO STUDENTS WHO
13 HAVE SATISFACTORILY COMPLETED MINIMUM COURSES OF STUDY.

14 (D) COOPERATE WITH STATE, FEDERAL, AND LOCAL AGENCIES TO
15 APPROVE PROGRAMS OF IN-SERVICE INSTRUCTION AND TRAINING OF LAW
16 ENFORCEMENT OFFICERS OF THIS STATE AND OF CITIES, COUNTIES,
17 TOWNSHIPS, AND VILLAGES.

18 (E) MAKE RECOMMENDATIONS TO THE LEGISLATURE ON MATTERS
19 PERTAINING TO QUALIFICATION AND TRAINING OF LAW ENFORCEMENT
20 OFFICERS.

21 (F) REQUIRE A LICENSING EXAMINATION.

22 (G) ESTABLISH A RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT
23 TRAINING AND EXPERIENCE PROGRAM.

24 (H) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TESTING
25 AND TRAINING INDIVIDUALS WHO ARE NOT EMPLOYED BY A LAW ENFORCEMENT
26 AGENCY, WHICH SHALL BE DEPOSITED IN THE SECONDARY ROAD PATROL AND
27 TRAINING FUND CREATED IN SECTION 629E OF THE MICHIGAN VEHICLE CODE,

1 1949 PA 300, MCL 257.629E.

2 (I) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF ISSUING
3 LICENSES TO PERSONS LICENSED UNDER THIS ACT, WHICH SHALL BE
4 DEPOSITED IN THE SECONDARY ROAD PATROL AND TRAINING FUND CREATED IN
5 SECTION 629E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
6 257.629E.

7 (2) THE COMMISSION MAY PROMULGATE RULES WITH RESPECT TO ANY OF
8 THE FOLLOWING:

9 (A) IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY
10 AND ATTENDANCE REQUIREMENTS FOR LICENSED LAW ENFORCEMENT OFFICERS.

11 (B) THE ESTABLISHMENT AND APPROVAL OF AGENCY BASIC LAW
12 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
13 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
14 TRAINING ACADEMIES.

15 (C) THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS FOR APPROVED
16 AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE
17 BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW
18 ENFORCEMENT TRAINING ACADEMIES.

19 (D) THE MINIMUM FACILITIES AND EQUIPMENT FOR AGENCY BASIC LAW
20 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
21 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
22 TRAINING ACADEMIES.

23 (E) MINIMUM STANDARDS AND PROCEDURES FOR RESERVE OFFICERS.

24 Sec. 12. The commission shall appoint an executive director of
25 the commission. The executive director shall **BE AN EMPLOYEE OF THE**
26 **COMMISSION AND SHALL** hold office at the pleasure of the commission.
27 The executive director shall perform the functions and duties that

1 are assigned to him or her by the commission. The executive
2 director shall receive compensation and reimbursement for expenses
3 ~~as FROM APPROPRIATIONS~~ provided by appropriation.

4 ~~Sec. 13. There is created in the state treasury a law~~
5 ~~enforcement officers training fund, from which, the legislature~~
6 ~~shall appropriate sums deemed necessary for the purposes of this~~
7 ~~act.~~

8 (1) THE COMMISSION MAY USE MONEY FROM THE SECONDARY ROAD
9 PATROL AND TRAINING FUND CREATED IN SECTION 629E OF THE MICHIGAN
10 VEHICLE CODE, 1949 PA 300, MCL 257.629E, FOR EITHER OF THE
11 FOLLOWING:

12 (A) THE REASONABLE EXPENSES OF PERFORMING STATUTORY FUNCTIONS
13 AUTHORIZED IN THIS ACT.

14 (B) REIMBURSEMENT TO LAW ENFORCEMENT AGENCIES FOR REASONABLE
15 COSTS INCURRED IN PROVIDING EDUCATION TO THEIR EMPLOYEES WHO ARE
16 ENROLLED IN LAW ENFORCEMENT TRAINING ACADEMIES FOR THE PURPOSE OF
17 BEING EMPLOYED BY THE AGENCIES AS LAW ENFORCEMENT OFFICERS LICENSED
18 UNDER THIS ACT.

19 (2) A LAW ENFORCEMENT AGENCY SEEKING REIMBURSEMENT FROM THE
20 SECONDARY ROAD PATROL AND TRAINING FUND AS DESCRIBED IN THIS
21 SECTION SHALL APPLY USING PROCEDURES AND FORMS ESTABLISHED BY THE
22 COMMISSION.

23 ~~Sec. 14. (1) The amounts annually appropriated by the~~
24 ~~legislature from the law enforcement officers training fund shall~~
25 ~~be paid by the state treasurer as follows:~~

26 ~~—— (a) In accordance with the accounting laws of the state upon~~
27 ~~certification of the executive director to reimburse an amount not~~

1 ~~to exceed the training costs incurred for each officer meeting the~~
2 ~~recruitment standards prescribed pursuant to this act during the~~
3 ~~period covered by the allocation, plus an amount not to exceed the~~
4 ~~necessary living expenses incurred by the officer that are~~
5 ~~necessitated by training requiring that he or she be away from his~~
6 ~~or her residence overnight.~~

7 ~~—— (b) For the maintenance and administration of law enforcement~~
8 ~~officer testing and certification provided for by this act.~~

9 ~~—— (2) If the money in the fund to be appropriated by the~~
10 ~~legislature for the training and living expenses described in~~
11 ~~subsection (1) are insufficient to allocate the amount for training~~
12 ~~and living purposes, the amount shall be reduced proportionately.~~

13 ~~—— (3) An allocation shall not be made from the fund under this~~
14 ~~section to a training agency or to a city, county, township, or~~
15 ~~village or agency of the state that has not, throughout the period~~
16 ~~covered by the allocation, adhered to the standards established by~~
17 ~~the commission as applicable to either training or to personnel~~
18 ~~recruited or trained by the training agency, city, county,~~
19 ~~township, or village or agency of the state during that period.~~

20 ~~—— (4) Expenditures from the fund to be appropriated by the~~
21 ~~legislature for law enforcement officer testing and certification~~
22 ~~described in subsection (1) shall not exceed the revenue generated~~
23 ~~from fees collected pursuant to section 11(1)(i) and (j).~~

24 **(1) A PERSON OR ORGANIZATION TO WHOM AN INQUIRY IS MADE**
25 **CONCERNING A PERSON'S COMPLIANCE WITH THE LICENSING STANDARDS**
26 **ESTABLISHED IN THIS ACT SHALL RESPOND TO THE INQUIRY WITHIN 45**
27 **CALENDAR DAYS.**

1 (2) A PERSON OR ORGANIZATION RESPONDING TO AN INQUIRY
2 CONCERNING A PERSON'S COMPLIANCE WITH THE LICENSING STANDARDS
3 ESTABLISHED IN THIS ACT MAY CHARGE THE INQUIRING PARTY REASONABLE
4 FEES TO COVER ACTUAL COSTS FOR PRODUCING INFORMATION, DOCUMENTS,
5 AND OTHER ITEMS REQUESTED.

6 Enacting section 1. Sections 4, 9d, and 16 of the commission
7 on law enforcement standards act, 1965 PA 203, MCL 28.604, 28.609d,
8 and 28.616, are repealed.