

**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, 9d, 10, 11,
13, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.605, 28.606, 28.607,
28.609, 28.609a, 28.609b, 28.609c, 28.609d, 28.610, 28.611, 28.613,
28.614, and 28.615), sections 1, 3, 5, 6, 7, 11, 14, and 15 as
amended and sections 9a, 9b, 9c, and 9d as added by 1998 PA 237,
section 2 as amended by 2004 PA 379, section 9 as amended by 2005
PA 239, and section 10 as amended by 2010 PA 67, and by adding
sections 16a, 16b, and 16c; 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 either of the following:~~

6 ~~—— (i) A determination by the commission that a person meets the~~
7 ~~law enforcement officer minimum standards to be employed as a~~
8 ~~commission certified law enforcement officer and that the person is~~
9 ~~authorized under this act to be employed as a law enforcement~~
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 (A) "ADJUDICATION OF GUILT" MEANS ANY OF THE FOLLOWING:

16 (i) ENTRY OF A JUDGMENT OR VERDICT OF GUILTY, OR GUILTY BUT
17 MENTALLY ILL, FOLLOWING A TRIAL.

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

19 (iii) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
20 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ORDER ENTERED UNDER
21 SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA
22 175, MCL 771.1, OR ANY OTHER ORDER DELAYING SENTENCE.

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

1 (v) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
 2 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
 3 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7411.

4 (vi) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
 5 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER SECTION
 6 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
 7 MCL 769.4A.

8 (B) ~~(e)~~ "Commission" means the MICHIGAN commission on law
 9 enforcement standards created in ~~section 3.~~ THIS ACT OR, BY EXPRESS
 10 DELEGATION OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS,
 11 ITS EXECUTIVE DIRECTOR AND STAFF.

12 (C) ~~(d)~~ "Contested case" means that term as defined in section
 13 3 of the administrative procedures act of 1969, 1969 PA 306, MCL
 14 24.203.

15 (D) "EMPLOYED AS A LAW ENFORCEMENT OFFICER" MEANS TO PERFORM A
 16 SERVICE OR LABOR AS A LAW ENFORCEMENT OFFICER FOR A LAW ENFORCEMENT
 17 AGENCY IN EXCHANGE FOR MONETARY COMPENSATION FOR ALL HOURS WORKED
 18 AT NOT LESS THAN THE FEDERAL MINIMUM WAGE ESTABLISHED IN THE
 19 FEDERAL FAIR LABOR STANDARDS ACT OF 1938, WITHOUT ANY DIMINUTION OF
 20 THE LAW ENFORCEMENT AUTHORITY CONFERRED BY THE LAWS UNDER WHICH THE
 21 PERSON IS EMPLOYED.

22 (e) "Executive director" means the executive director of the
 23 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 (F) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS
4 ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS
5 STATE AND IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT OR
6 EMPLOY LAW ENFORCEMENT OFFICERS.

7 (G) "LAW ENFORCEMENT OFFICER" MEANS:

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

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

14 (B) A LAW ENFORCEMENT OFFICER OF A MICHIGAN INDIAN TRIBAL
15 POLICE FORCE, SUBJECT TO THE LIMITATIONS OF SECTION 9(5).

16 (C) THE SERGEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS OF
17 EITHER HOUSE OF THE LEGISLATURE WHO IS COMMISSIONED AS A POLICE
18 OFFICER BY THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS PROVIDED BY
19 THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT, 2001 PA 185,
20 MCL 4.381 TO 4.382.

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

24 (E) A COUNTY PROSECUTING ATTORNEY'S INVESTIGATOR SWORN AND
25 FULLY EMPOWERED BY THE SHERIFF OF THAT COUNTY AS PROVIDED UNDER
26 ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND SECTION 70 OF
27 1846 RS 14, MCL 51.70.

1 (F) A FIRE ARSON INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A
2 CITY WITH A POPULATION OF NOT LESS THAN 600,000 WHO IS SWORN AND
3 FULLY EMPOWERED BY THE CITY CHIEF OF POLICE AS PROVIDED UNDER
4 SECTION 3 OF 1909 PA 279, MCL 117.3.

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

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

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

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

15 (K) AN OFFICER APPOINTED BY A PUBLIC BODY AS PROVIDED UNDER
16 SECTION 3 OF THE PUBLIC BODY LAW ENFORCEMENT AGENCY ACT, 2004 PA
17 378, MCL 28.583.

18 (L) A GENERAL LAW TOWNSHIP CONSTABLE APPOINTED TO PERFORM BOTH
19 STATUTORY CRIMINAL AND CIVIL DUTIES AS PROVIDED UNDER SECTION 82 OF
20 1846 RS 16, MCL 41.82.

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

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

26 (O) A PARK RANGER APPOINTED BY A COUNTY OR REGIONAL PARKS AND
27 RECREATION COMMISSION AS PROVIDED UNDER SECTION 14 OF 1965 PA 261,

1 MCL 46.364.

2 (P) A SHERIFF ELECTED AS PROVIDED UNDER ARTICLE VII OF THE
3 STATE CONSTITUTION OF 1963.

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

6 (R) A POLICE OFFICER APPOINTED BY A GENERAL LAW VILLAGE AS
7 PROVIDED UNDER SECTION 13 OF THE GENERAL LAW VILLAGE ACT, 1895 PA
8 3, MCL 70.13.

9 (S) A POLICE OFFICER APPOINTED BY A HOME RULE VILLAGE AS
10 PROVIDED UNDER SECTION 22 OF THE HOME RULE VILLAGE ACT, 1909 PA
11 278, MCL 78.22.

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

15 (U) A CONSTABLE APPOINTED BY A FOURTH CLASS CITY AS PROVIDED
16 UNDER SECTION 24 OF THE FOURTH CLASS CITY ACT, 1895 PA 215, MCL
17 87.24.

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

21 (W) A POLICE OFFICER OR CONSTABLE APPOINTED BY A HOME RULE
22 CITY AS PROVIDED UNDER SECTIONS 3 AND 32 OF THE HOME RULE CITY ACT,
23 1909 PA 279, MCL 117.3 AND 117.32.

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

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

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

9 (AA) A PUBLIC SAFETY OFFICER APPOINTED BY A COMMUNITY COLLEGE
10 AS PROVIDED UNDER SECTION 128 OF THE COMMUNITY COLLEGE ACT OF 1966,
11 1966 PA 331, MCL 389.128.

12 (BB) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL
13 OF SAGINAW VALLEY STATE UNIVERSITY AS PROVIDED UNDER SECTION 5A OF
14 1965 PA 278, MCL 390.715A.

15 (CC) A PUBLIC SAFETY OFFICER APPOINTED BY THE BOARD OF CONTROL
16 OF A HIGHER EDUCATION INSTITUTION AS PROVIDED UNDER SECTION 1 OF
17 1990 PA 120, MCL 390.1511.

18 (DD) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
19 PROVIDED UNDER SECTION 10 OF THE MEDICAID FALSE CLAIM ACT, 1977 PA
20 72, MCL 400.610.

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

24 (FF) A RAILROAD POLICE OFFICER ACTING AS PROVIDED UNDER
25 SECTION 367 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.367,
26 AND SUBJECT TO THE TRAINING REQUIREMENTS UNDER SUBSECTION (2) OF
27 THAT SECTION.

1 (GG) AN INSPECTOR APPOINTED BY THE STATE TRANSPORTATION
2 COMMISSION AS PROVIDED UNDER SECTION 13 OF THE MOTOR CARRIER ACT,
3 1933 PA 254, MCL 479.13.

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

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

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

13 (KK) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
14 DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS GIVEN A
15 COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS PROVIDED
16 UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536.

17 (ii) "LAW ENFORCEMENT OFFICER" DOES NOT INCLUDE ANY OF THE
18 FOLLOWING:

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

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

25 (C) A PERSON AUTHORIZED TO ISSUE CITATIONS AS A VOLUNTEER AS
26 PROVIDED UNDER SECTION 675D OF THE MICHIGAN VEHICLE CODE, 1949 PA
27 300, MCL 257.675D.

1 (D) A SECURITY EMPLOYEE APPOINTED BY THE DIRECTOR OF THE
2 DEPARTMENT OF STATE POLICE AS PROVIDED UNDER SECTION 6C OF 1935 PA
3 59, MCL 28.6C.

4 (E) A MOTOR CARRIER OFFICER APPOINTED BY THE DEPARTMENT OF
5 STATE POLICE AS PROVIDED IN SECTION 6D OF 1935 PA 59, MCL 28.6D,
6 SECTION 5 OF 1956 PA 62, MCL 257.955, AND SECTION 73 OF 2006 PA
7 108, MCL 257.1873.

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

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

15 (H) AN ATTENDANCE OFFICER GRANTED THE POWERS OF A DEPUTY
16 SHERIFF AS PROVIDED IN SECTION 1571 OF THE REVISED SCHOOL CODE,
17 1976 PA 451, MCL 380.1571.

18 (I) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION
19 1606(2) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
20 1994 PA 451, MCL 324.1606.

21 (J) A VOLUNTEER CONSERVATION OFFICER APPOINTED BY THE
22 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 1607 OF THE
23 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
24 MCL 324.1607.

25 (K) A STATE FOREST OFFICER APPOINTED BY THE DIRECTOR OF THE
26 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED IN SECTION 83107 OF THE
27 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,

1 MCL 324.83107.

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

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

8 (N) A PRIVATE SECURITY GUARD, PRIVATE SECURITY POLICE OFFICER,
9 OR PRIVATE COLLEGE SECURITY FORCE OFFICER EMPLOYED OR APPOINTED AS
10 PROVIDED IN THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT,
11 1968 PA 330, MCL 338.1051 TO 338.1092.

12 (O) THE ATTORNEY GENERAL.

13 (P) THE SECRETARY OF STATE.

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

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

17 (S) A POLICE AUXILIARY.

18 (T) A RESERVE OFFICER.

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

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

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

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

3 (Y) AN INSPECTOR AUTHORIZED TO ENFORCE THE MICHIGAN LIQUOR
4 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, AND
5 RULES PROMULGATED BY THE LIQUOR CONTROL COMMISSION AS PROVIDED IN
6 SECTION 201 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
7 58, MCL 436.1201.

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

11 (AA) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW
12 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL
13 AGREEMENT ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967,
14 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

15 (BB) A PERSON NOT LICENSED UNDER THIS ACT WHOSE LAW
16 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF
17 FUNCTIONS OR RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL
18 124.531 TO 124.536.

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

23 (h) "Law enforcement officer minimum standards" means
24 standards established by the commission under this act that a
25 person must meet to be eligible for ~~certification~~ LICENSURE under
26 ~~section 9a(1)~~. THIS ACT, UNLESS THE PERSON WAS EMPLOYED AS A LAW
27 ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977 OR IS APPOINTED OR

1 ELECTED TO THE OFFICE OF SHERIFF.

2 (i) "Law enforcement officer of a Michigan Indian tribal
3 police force" means a ~~regularly employed member~~ of a police force
4 of a Michigan Indian tribe who is appointed ~~pursuant to former~~
5 UNDER TITLE 25 ~~CFR 12.100 to 12.103~~. OF THE CODE OF FEDERAL
6 REGULATIONS.

7 (J) "LICENSE" MEANS ANY OF THE FOLLOWING:

8 (i) A DETERMINATION BY THE COMMISSION THAT A PERSON MEETS THE
9 LAW ENFORCEMENT MINIMUM STANDARDS AND IS ELIGIBLE TO BE EMPLOYED AS
10 A LAW ENFORCEMENT OFFICER.

11 (ii) A DETERMINATION BY THE COMMISSION THAT A PERSON WAS
12 EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE JANUARY 1, 1977 AND IS
13 ELIGIBLE TO BE EMPLOYED AS A LAW ENFORCEMENT OFFICER.

14 (iii) A DETERMINATION BY THE COMMISSION THAT A PERSON IS
15 APPOINTED OR ELECTED TO THE OFFICE OF SHERIFF.

16 (K) "LICENSURE" MEANS ISSUANCE OF A LICENSE UNDER THIS ACT.

17 (l) ~~(j)~~ "Michigan Indian tribe" means a federally recognized
18 Indian tribe that has trust lands located within this state.

19 (M) ~~(k)~~ "Multicounty metropolitan district" means an entity
20 authorized and established ~~pursuant to~~ UNDER state law by 2 or more
21 counties with a combined population of not less than 3,000,000, for
22 the purpose of cooperative planning, promoting, acquiring,
23 constructing, owning, developing, maintaining, or operating parks.

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

26 ~~(i) A regularly employed member of a law enforcement agency~~
27 ~~authorized and established pursuant to law, including common law,~~

1 ~~who is responsible for the prevention and detection of crime and~~
2 ~~the enforcement of the general criminal laws of this state. Police~~
3 ~~officer or law enforcement officer does not include a person~~
4 ~~serving solely because he or she occupies any other office or~~
5 ~~position.~~

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

8 ~~—— (iii) The sergeant at arms or any assistant sergeant at arms of~~
9 ~~either house of the legislature who is commissioned as a police~~
10 ~~officer by that respective house of the legislature as provided by~~
11 ~~the legislative sergeant at arms police powers act, 2001 PA 185,~~
12 ~~MCL 4.381 to 4.382.~~

13 ~~—— (iv) A law enforcement officer of a multicounty metropolitan~~
14 ~~district, subject to the limitations of section 9(7).~~

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

17 ~~—— (vi) Until December 31, 2007, a law enforcement officer of a~~
18 ~~school district in this state that has a membership of at least~~
19 ~~20,000 pupils and that includes in its territory a city with a~~
20 ~~population of at least 180,000 as of the most recent federal~~
21 ~~decennial census.~~

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

25 ~~(N) (m) "Rule" means a rule promulgated pursuant to~~ **UNDER** ~~the~~
26 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~
27 ~~24.328.~~

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

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

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

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

9 (c) **THE CHIEF OF A POLICE DEPARTMENT OF A CITY THAT HAS A**
10 **POPULATION OF MORE THAN 600,000, OR HIS OR HER DESIGNEE WHO IS A**
11 **COMMAND OFFICER WITHIN THAT DEPARTMENT.**

12 (d) ~~(c) Nine~~ **THE FOLLOWING** members appointed by the governor,
13 ~~with the advice and consent of~~ **SUBJECT TO DISAPPROVAL BY** the senate
14 **UNDER SECTION 6 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963,** as
15 follows:

16 (i) Three individuals selected from a list of ~~6~~ **NOT FEWER THAN**
17 **9** active voting members of and submitted by the Michigan
18 association of chiefs of police. ~~or its successor organization.~~

19 (ii) Three individuals selected from a list of ~~6~~ **NOT FEWER THAN**
20 **9** elected sheriffs submitted by the Michigan sheriffs' association.
21 ~~or its successor organization.~~

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

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

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

4 (vi) ~~(iii)~~—One individual selected from a list of NOT FEWER THAN
5 3 names submitted by the Michigan chapter of the fraternal order of
6 the police. ~~or its successor organization.~~

7 (vii) ~~(iv)~~—One individual selected from a list of NOT FEWER THAN
8 3 names submitted by the police officers association of Michigan.
9 ~~or its successor organization.~~

10 (viii) ~~(v)~~—One individual selected from a list of NOT FEWER THAN
11 3 individuals submitted by ~~the Detroit police officers associations~~
12 ~~or their successor organizations.~~ A POLICE ASSOCIATION REPRESENTING
13 OFFICERS EMPLOYED BY A POLICE AGENCY EMPLOYING MORE THAN 14% OF THE
14 POLICE OFFICERS IN THIS STATE.

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

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

20 (xi) THE GOVERNOR MAY APPOINT ANY INDIVIDUAL MEETING THE
21 MEMBERSHIP REQUIREMENTS OF THE ORGANIZATIONS LISTED IN
22 SUBPARAGRAPHS (i) TO (x) IF THE ORGANIZATION PERMITTED TO SUBMIT A
23 LIST OF INDIVIDUALS FAILS TO SUBMIT A COMPLETE LIST OF QUALIFIED
24 NOMINEES AT LEAST 30 DAYS BEFORE A VACANCY CREATED BY THE
25 EXPIRATION OF A TERM, OR NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE
26 DATE OF ANY OTHER VACANCY.

27 (E) ~~(d)~~—An individual selected under subdivision ~~(e)~~—(D) shall

1 serve as a commission member only while serving as a member of the
2 ~~respective organizations in subparagraphs (i) to (v).~~ ORGANIZATION
3 THAT SUBMITTED HIS OR HER NAME TO THE GOVERNOR FOR APPOINTMENT.

4 (F) MEMBERS OF THE COMMISSION APPOINTED OR REAPPOINTED UNDER
5 SUBDIVISION (D) (i) TO (viii) AFTER DECEMBER 31, 2008 SHALL BE
6 APPOINTED FOR A TERM OF 4 YEARS.

7 (G) OF THE MEMBERS OF THE COMMISSION INITIALLY APPOINTED BY
8 THE GOVERNOR UNDER SUBDIVISION (D) (ix) AND (x), 1 MEMBER SHALL BE
9 APPOINTED FOR A TERM EXPIRING NOVEMBER 1, 2009 AND 1 MEMBER SHALL
10 BE APPOINTED FOR A TERM EXPIRING ON NOVEMBER 1, 2010. AFTER THE
11 INITIAL APPOINTMENTS, MEMBERS OF THE COMMISSION APPOINTED UNDER
12 SUBDIVISION (D) (ix) AND (x) SHALL BE APPOINTED FOR A TERM OF 4
13 YEARS.

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

17 (3) A VACANCY ON THE COMMISSION OCCURRING OTHER THAN BY
18 EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR IN THE SAME
19 MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED
20 TERM.

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

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

27 ~~—— (3) The commission does not have the right to exercise any~~

1 ~~portion of the sovereign power of the state.~~

2 (3) ~~(4)~~—A member of the commission is not disqualified from
3 holding any public office or employment by reason of his or her
4 appointment or membership on the commission and shall not forfeit
5 any public office or employment because of his or her appointment
6 to the commission, notwithstanding any general, special, or local
7 law, ordinance, or city charter.

8 Sec. 6. (1) The commission shall meet not less than 4 times in
9 each year and shall hold special meetings when called by the
10 chairperson or, in the absence of the chairperson, by the vice-
11 chairperson. A special meeting of the commission shall be called by
12 the chairperson upon the written request of 5 members of the
13 commission.

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

17 **(3) THE COMMISSION MAY ESTABLISH OTHER PROCEDURES AND**
18 **REQUIREMENTS GOVERNING ITS OPERATIONS TO CARRY OUT THE INTENT OF**
19 **THIS ACT.**

20 (4) ~~(3)~~—The commission's business shall be conducted in
21 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
22 15.275. Public notice of the time, date, and place of the meeting
23 shall be given in the manner required by the open meetings act,
24 1976 PA 267, MCL 15.261 to 15.275.

25 Sec. 7. The commission shall make an annual report to the
26 governor that includes pertinent data regarding the law enforcement
27 officer minimum standards and the degree of participation of

1 municipalities in the training programs, **AS WELL AS ANY OTHER**
2 **INFORMATION THE GOVERNOR REQUESTS OR THE COMMISSION CONSIDERS**
3 **APPROPRIATE.**

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

13 (a) Minimum standards of physical, educational, ~~mental,~~
14 **PSYCHOLOGICAL**, and moral fitness that govern the recruitment,
15 selection, appointment, and certification of law enforcement
16 officers.

17 (b) Minimum **EDUCATIONAL REQUIREMENTS THAT MAY BE MET BY EITHER**
18 **OF THE FOLLOWING:**

19 (i) **MINIMUM** courses of study, attendance requirements, and
20 instructional hours required at approved ~~police training~~
21 ~~schools.~~ **LAW ENFORCEMENT TRAINING ACADEMIES.**

22 ~~—— (c) Minimum basic training requirements that a person,~~
23 ~~excluding sheriffs, shall complete before being eligible for~~
24 ~~certification under section 9a(1).~~

25 ~~—— (2) If a person's certification under section 9a(1) becomes~~
26 ~~void under section 9a(4)(b), the commission shall waive the~~
27 ~~requirements described in subsection (1)(b) for certification of~~

1 ~~the person under section 9a(1) if 1 or more of the following apply:~~

2 ~~—— (a) The person has been employed 1 year or less as a~~
3 ~~commission certified law enforcement officer and is again employed~~
4 ~~as a law enforcement officer within 1 year after discontinuing~~
5 ~~employment as a commission certified law enforcement officer.~~

6 ~~—— (b) The person has been employed more than 1 year but less~~
7 ~~than 5 years as a commission certified law enforcement officer and~~
8 ~~is again employed as a law enforcement officer within 18 months~~
9 ~~after discontinuing employment as a commission certified law~~
10 ~~enforcement officer.~~

11 ~~—— (c) The person has been employed 5 years or more as a~~
12 ~~commission certified law enforcement officer and is again employed~~
13 ~~as a law enforcement officer within 2 years after discontinuing~~
14 ~~employment as a commission certified law enforcement officer.~~

15 ~~—— (d) The person has successfully completed the mandatory~~
16 ~~training and has been continuously employed as a law enforcement~~
17 ~~officer, but through no fault of that person the employing agency~~
18 ~~failed to obtain certification for that person as required by this~~
19 ~~act.~~

20 ~~—— (3) A commission certified law enforcement officer who is a~~
21 ~~member of any of the reserve components of the United States armed~~
22 ~~forces and who is called to active duty in the armed forces is not~~
23 ~~considered to have discontinued his or her employment as a~~
24 ~~commission certified law enforcement officer under section~~
25 ~~9a(4)(b). The person's certification under section 9a(1) shall not~~
26 ~~become void during that term of active military service. However,~~
27 ~~the certification of a certified law enforcement officer described~~

1 ~~in this subsection may be revoked under section 9b if the officer~~
2 ~~committed an offense during the period of active duty in the armed~~
3 ~~forces that resulted in a conviction enumerated in section 9b(1).~~
4 ~~As used in this subsection, "reserve components of the United~~
5 ~~States armed forces" means that term as defined in section 2 of the~~
6 ~~military family relief fund act, 2004 PA 363, MCL 35.1212. This~~
7 ~~subsection does not apply to a commission certified law enforcement~~
8 ~~officer who volunteers for a term of active military service or who~~
9 ~~voluntarily extends a term of active military service that began~~
10 ~~when he or she was called to active duty. This subsection does not~~
11 ~~apply to a commission certified law enforcement officer who is~~
12 ~~dishonorably discharged from a term of active military service.~~

13 **(ii) SUCCESSFUL COMPLETION OF A RECOGNITION OF PRIOR BASIC LAW**
14 **ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER**
15 **FROM THE LAW ENFORCEMENT OFFICER MINIMUM STANDARD SPECIFIED IN**
16 **SUBPARAGRAPH (i) .**

17 **(C) MINIMUM PROFICIENCY ON A LICENSING EXAMINATION**
18 **ADMINISTERED AFTER COMPLETION OF THE LAW ENFORCEMENT OFFICER**
19 **MINIMUM STANDARD SPECIFIED IN SUBDIVISION (B) .**

20 ~~(2) (4)~~The commission shall promulgate rules with respect to
21 all of the following:

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

26 ~~—— (b) The establishment of subordinate regional training centers~~
27 ~~in strategic geographic locations in order to serve the greatest~~

1 ~~number of police agencies that are unable to support their own~~
2 ~~training programs.~~

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

7 **(A) ADMINISTERING THE RECOGNITION OF PRIOR BASIC LAW**
8 **ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM.**

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

11 **(C) THE ESTABLISHMENT OF LAW ENFORCEMENT TRAINING ACADEMIES IN**
12 **STRATEGIC GEOGRAPHIC LOCATIONS IN ORDER TO SERVE THE GREATEST**
13 **NUMBER OF LAW ENFORCEMENT AGENCIES THAT ARE UNABLE TO SUPPORT THEIR**
14 **OWN TRAINING PROGRAMS.**

15 (d) The commission's approval of ~~police training schools~~ **LAW**
16 **ENFORCEMENT TRAINING ACADEMIES** administered by **THIS STATE**, a city,
17 county, township, village, corporation, college, community college
18 or university.

19 (e) The minimum qualifications for instructors at approved
20 ~~police training schools~~ **LAW ENFORCEMENT TRAINING ACADEMIES.**

21 (f) The minimum facilities and equipment required at approved
22 ~~police training schools~~ **LAW ENFORCEMENT TRAINING ACADEMIES.**

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

25 ~~—— (h) Acceptance of basic police training and law enforcement~~
26 ~~experience received by a person in fulfillment in whole or in part~~
27 ~~of the law enforcement officer minimum standards prepared and~~

1 ~~published by the commission if both of the following apply:~~

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

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

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

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

1 ~~after discontinuing employment as a law enforcement officer.~~

2 (3) A PERSON SHALL NOT BE EMPLOYED AS A LAW ENFORCEMENT
3 OFFICER IN THIS STATE UNLESS HE OR SHE IS LICENSED UNDER THIS ACT.

4 (4) A PERSON LICENSED UNDER THIS ACT AND EMPLOYED AS A LAW
5 ENFORCEMENT OFFICER MAY EXERCISE THE LAW ENFORCEMENT AUTHORITY
6 CONFERRED BY THE LAW UNDER WHICH HE OR SHE IS EMPLOYED AS A LAW
7 ENFORCEMENT OFFICER.

8 (5) ~~(7)~~—A law enforcement officer of a Michigan Indian tribal
9 police force ~~is not empowered to~~ **SHALL NOT** exercise the **LAW**
10 **ENFORCEMENT** authority ~~of a peace officer under the laws of this~~
11 ~~state and shall not be employed in a position for which peace~~
12 ~~officer authority is granted under the laws of this state~~ **CONFERRED**
13 **UNDER THE LAWS BY WHICH HE OR SHE IS EMPLOYED AS A LAW ENFORCEMENT**
14 **OFFICER** unless all of the following requirements are met:

15 (a) The tribal law enforcement officer is ~~certified~~ **LICENSED**
16 under this act.

17 (b) The tribal law enforcement officer is ~~+~~ **EITHER** of the
18 following:

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

24 (ii) Appointed as a ~~police~~ **LAW ENFORCEMENT** officer of the state
25 or a city, township, charter township, or village that is
26 authorized by law to appoint individuals as police officers.

27 (c) The deputation or appointment of the tribal law

1 enforcement officer described in subdivision (b) is made pursuant
 2 ~~to~~ **UNDER** a written contract that includes terms the appointing
 3 authority under subdivision (b) may require between the state or
 4 local law enforcement agency and the tribal government of the
 5 Michigan Indian tribe employing the tribal law enforcement officer.

6 ~~— (d) The written contract described in subdivision (c) is~~
 7 ~~incorporated into a self determination contract, grant agreement,~~
 8 ~~or cooperative agreement between the United States secretary of the~~
 9 ~~interior and the tribal government of the Michigan Indian tribe~~
 10 ~~employing the tribal law enforcement officer pursuant to the Indian~~
 11 ~~self determination and education assistance act, Public Law 93-638,~~
 12 ~~88 Stat. 2203.~~

13 (6) ~~(8)~~ A law enforcement officer of a multicounty
 14 metropolitan district, other than a law enforcement officer
 15 employed by a law enforcement agency created under the public body
 16 law enforcement agency act, ~~is not empowered to~~ **2004 PA 378, MCL**
 17 **28.581 TO 25.590, MAY NOT** exercise the **LAW ENFORCEMENT** authority ~~of~~
 18 ~~a peace officer under the laws of this state and shall not be~~
 19 ~~employed in a position for which peace officer authority is granted~~
 20 ~~under the laws of this state~~ **CONFERRED UNDER THE LAWS BY WHICH HE**
 21 **OR SHE IS EMPLOYED AS A LAW ENFORCEMENT OFFICER** unless all of the
 22 following requirements are met:

23 (a) The law enforcement officer ~~has met or exceeded minimum~~
 24 ~~standards for certification under this act.~~ **IS LICENSED UNDER THIS**
 25 **ACT.**

26 (b) The law enforcement officer is deputized by the sheriff or
 27 sheriffs of the county or counties in which the land of the

1 multicounty metropolitan district employing the law enforcement
2 officer is located and in which the law enforcement officer will
3 work, ~~pursuant to~~ **UNDER** section 70 of 1846 RS 14, MCL 51.70.

4 (c) The deputation or appointment of the law enforcement
5 officer is made ~~pursuant to~~ **UNDER** a written agreement that includes
6 terms the deputizing authority under subdivision (b) may require
7 between the state or local law enforcement agency and the governing
8 board of the multicounty metropolitan district employing the law
9 enforcement officer.

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

12 ~~—— (9) A public body that creates a law enforcement agency under
13 the public body law enforcement agency act and that employs 1 or
14 more law enforcement officers certified under this act shall be
15 considered to be a law enforcement agency for purposes of section
16 9d.~~

17 ~~—— (10) The commission may establish an evaluation or testing
18 process, or both, for granting a waiver from the law enforcement
19 officer minimum standards regarding training requirements to a
20 person who has held a certificate under this act and who
21 discontinues employment as a law enforcement officer for a period
22 of time exceeding the time prescribed in subsection (2)(a) to (c)
23 or (6), as applicable.~~

24 Sec. 9a. (1) The commission shall grant ~~certification~~ **A**
25 **LICENSE** to a person who meets the law enforcement officer minimum
26 standards ~~at the time he or she is employed as a law enforcement~~
27 ~~officer.~~ **AND WHO WILL BE EMPLOYED AS A LAW ENFORCEMENT OFFICER UPON**

1 BEING LICENSED. A LICENSE GRANTED UNDER THIS SUBSECTION SHALL
2 REMAIN VALID UNTIL ANY OF THE FOLLOWING OCCUR:

3 (A) THE LICENSE IS RENDERED VOID BY A COURT ORDER OR BY OTHER
4 OPERATION OF LAW.

5 (B) THE LICENSE IS REVOKED OR SUSPENDED AS PROVIDED UNDER
6 SECTION 9B.

7 (C) THE LICENSE LAPSES UNDER EITHER OF THE FOLLOWING
8 CONDITIONS:

9 (i) THE PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
10 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
11 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.
12 A PERSON WHOSE LICENSE LAPSES UNDER THIS SUBSECTION SHALL NOT BE
13 RELICENSED UNLESS HE OR SHE MEETS THE LAW ENFORCEMENT OFFICER
14 MINIMUM STANDARDS OR IS APPOINTED OR ELECTED TO THE OFFICE OF
15 SHERIFF.

16 (ii) THE 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 A PERSON WHOSE LICENSE LAPSES UNDER THIS SUBSECTION SHALL NOT BE
20 RELICENSED UNLESS HE OR SHE MEETS THE LAW ENFORCEMENT OFFICER
21 MINIMUM STANDARDS OR IS APPOINTED OR ELECTED TO THE OFFICE OF
22 SHERIFF.

23 (2) The commission shall grant ~~certification~~ **A LICENSE** to a
24 person who was employed as a law enforcement officer before January
25 1, 1977 ~~and who fails to meet the law enforcement officer minimum~~
26 ~~standards if the person is authorized to be employed as a law~~
27 ~~enforcement officer under section 9.~~ **AND WHO WILL BE EMPLOYED AS A**

1 LAW ENFORCEMENT OFFICER UPON BEING LICENSED, WITHOUT REGARD TO
2 WHETHER HE OR SHE MEETS THE LAW ENFORCEMENT OFFICER MINIMUM
3 STANDARDS. A LICENSE GRANTED UNDER THIS SUBSECTION SHALL REMAIN
4 VALID UNTIL ANY OF THE FOLLOWING OCCUR:

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

7 (B) THE LICENSE IS REVOKED OR SUSPENDED AS PROVIDED UNDER
8 SECTION 9B.

9 (C) THE LICENSE LAPSES UNDER EITHER OF THE FOLLOWING
10 CONDITIONS:

11 (i) THE PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
12 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
13 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.
14 A PERSON WHOSE LICENSE LAPSES UNDER THIS SUBSECTION SHALL NOT BE
15 RELICENSED UNLESS HE OR SHE MEETS THE LAW ENFORCEMENT OFFICER
16 MINIMUM STANDARDS OR IS APPOINTED OR ELECTED TO THE OFFICE OF
17 SHERIFF.

18 (ii) THE PERSON, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
19 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
20 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.
21 A PERSON WHOSE LICENSE LAPSES UNDER THIS SUBSECTION SHALL NOT BE
22 RELICENSED UNLESS HE OR SHE MEETS THE LAW ENFORCEMENT OFFICER
23 MINIMUM STANDARDS OR IS APPOINTED OR ELECTED TO THE OFFICE OF
24 SHERIFF.

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

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

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

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

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

10 ~~—— (6) Upon request of the commission, a person whose~~
11 ~~certification is revoked, or becomes void because the person~~
12 ~~discontinues his or her employment as a commission certified law~~
13 ~~enforcement officer, shall return to the commission the certificate~~
14 ~~issued to the person. A violation of this subsection is a~~
15 ~~misdemeanor, punishable by imprisonment for 90 days, a fine of not~~
16 ~~more than \$500.00, or both.~~

17 **(3) THE COMMISSION SHALL GRANT A LICENSE TO AN ELECTED OR**
18 **APPOINTED SHERIFF WITHOUT REGARD TO WHETHER HE OR SHE MEETS THE LAW**
19 **ENFORCEMENT OFFICER MINIMUM STANDARDS. A LICENSE GRANTED UNDER THIS**
20 **SUBSECTION SHALL REMAIN VALID UNTIL ANY OF THE FOLLOWING OCCUR:**

21 **(A) THE PERSON NO LONGER HOLDS OFFICE AS A SHERIFF.**

22 **(B) THE LICENSE IS RENDERED VOID BY A COURT ORDER OR BY OTHER**
23 **OPERATION OF LAW.**

24 **(C) THE LICENSE IS REVOKED OR SUSPENDED AS PROVIDED UNDER**
25 **SECTION 9B.**

26 **(4) THE COMMISSION MAY PROMULGATE RULES TO ESTABLISH**
27 **PROCEDURES FOR VERIFYING COMPLIANCE WITH THE LAW ENFORCEMENT**

1 OFFICER MINIMUM STANDARDS, VERIFYING AND REPORTING EMPLOYMENT AS A
2 LAW ENFORCEMENT OFFICER, GRANTING A LICENSE, ISSUING PROOF OF
3 LICENSURE, DOCUMENTING THE VALIDITY OR INVALIDITY OF A LICENSE, AND
4 DOCUMENTING AND REPORTING CHANGES IN A LAW ENFORCEMENT AGENCY'S
5 CONFERENCE OF LAW ENFORCEMENT AUTHORITY UPON LAW ENFORCEMENT
6 OFFICERS. THE COMMISSION SHALL HAVE ACCESS TO THE LAW ENFORCEMENT
7 INFORMATION NETWORK, THE AUTOMATED FINGERPRINT IDENTIFICATION
8 SYSTEM, AND OTHER CRIMINAL HISTORY DATABASES FOR THE PURPOSE OF
9 VERIFYING COMPLIANCE WITH THE LAW ENFORCEMENT OFFICER MINIMUM
10 STANDARDS AND DETERMINING SUITABILITY FOR ADMISSION TO LAW
11 ENFORCEMENT TRAINING ACADEMIES AND THE PRIOR BASIC LAW ENFORCEMENT
12 TRAINING AND EXPERIENCE PROGRAM.

13 (5) THIS ACT SHALL NOT BE CONSTRUED TO ABROGATE ANY RIGHT OR
14 PRIVILEGE PROVIDED UNDER THE UNIFORMED SERVICES EMPLOYMENT AND
15 REEMPLOYMENT RIGHTS ACT OF 1994, 38 USC 4301 TO 4335.

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

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

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

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

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

24 ~~—— (2) The rules shall provide for the suspension of a law~~
25 ~~enforcement officer from use of the law enforcement information~~
26 ~~network in the event the law enforcement officer wrongfully~~
27 ~~discloses information from the law enforcement information network.~~

1 ~~—— (3) Except as provided in subsection (4), if the commission~~
2 ~~issues a final decision or order to revoke the certification of a~~
3 ~~law enforcement officer, that decision or order is subject to~~
4 ~~judicial review as provided in the administrative procedures act of~~
5 ~~1969, 1969 PA 306, MCL 24.201 to 24.328.~~

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

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

14 (1) THE COMMISSION SHALL PROMULGATE RULES REQUIRING MANDATORY
15 REVOCATION OF A LAW ENFORCEMENT OFFICER LICENSE FOR 1 OR MORE OF
16 THE FOLLOWING:

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

24 (B) AN ADJUDICATION OF GUILT FOR ANY VIOLATION OR ATTEMPTED
25 VIOLATION OF A PENAL LAW OF THIS STATE, ANOTHER STATE, A MILITARY
26 COURT, A TRIBAL COURT, A POLITICAL SUBDIVISION OF THIS STATE OR OF
27 ANOTHER STATE, THE UNITED STATES, OR ANOTHER COUNTRY, THAT IS

1 PUNISHABLE BY IMPRISONMENT FOR MORE THAN 2 YEARS.

2 (2) THE COMMISSION SHALL PROMULGATE RULES THAT MAY ALLOW
3 REVOCATION OF A LAW ENFORCEMENT OFFICER LICENSE IF THE LICENSEE IS
4 SUBJECT TO AN ADJUDICATION OF GUILT FOR ANY VIOLATION OR ATTEMPTED
5 VIOLATION OF A PENAL LAW OF THIS STATE, ANOTHER STATE, A MILITARY
6 COURT, A TRIBAL COURT, A POLITICAL SUBDIVISION OF THIS STATE OR OF
7 ANOTHER STATE, THE UNITED STATES, OR ANOTHER COUNTRY, TO WHICH ANY
8 OF THE FOLLOWING APPLY:

9 (A) AN ELEMENT OF THE OFFENSE IS DISHONESTY, FALSE STATEMENT,
10 OR THEFT.

11 (B) AN ELEMENT OF THE OFFENSE IS ASSAULT, BATTERY, OR
12 THREATENING, INTIMIDATING, OR HARASSING BEHAVIOR DIRECTED TOWARD AN
13 INDIVIDUAL.

14 (C) AN ELEMENT OF THE OFFENSE IS AN ACT OR OMISSION CAUSING
15 PERSONAL INJURY TO AN INDIVIDUAL.

16 (D) AN ELEMENT OF THE OFFENSE IS THE USE OR POSSESSION OF, OR
17 CONSPIRACY TO USE OR POSSESS, ANY SCHEDULE 1 OR 2 CONTROLLED
18 SUBSTANCE AS DEFINED IN SECTIONS 7212 AND 7214 OF THE PUBLIC HEALTH
19 CODE, 1978 PA 368, MCL 333.7212 AND 333.7214.

20 (E) AN ELEMENT OF THE OFFENSE IS WILLFUL NEGLECT OF DUTY AS A
21 LAW ENFORCEMENT OFFICER.

22 (F) AN ELEMENT OF THE OFFENSE IS RESISTING OR OBSTRUCTING A
23 LAW ENFORCEMENT OFFICER OR OTHER PUBLIC OFFICIAL IN THE DISCHARGE
24 OF HIS OR HER DUTY.

25 (G) REGISTRATION AS A SEX OFFENDER UNDER THE SEX OFFENDERS
26 REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.736, IS REQUIRED.

27 (3) THE COMMISSION SHALL INITIATE ADMINISTRATIVE LICENSE

1 REVOCATION PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUING AN
2 ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON
3 BEING GIVEN NOTICE OF FACTS WARRANTING REVOCATION AS PROVIDED IN
4 SUBSECTION (1) AND MAY INITIATE LICENSE REVOCATION PROCEEDINGS,
5 INCLUDING, BUT NOT LIMITED TO, ISSUING AN ORDER OF SUMMARY
6 SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON BEING GIVEN NOTICE
7 OF FACTS WARRANTING REVOCATION AS PROVIDED IN SUBSECTION (2).

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

11 (5) THE COMMISSION SHALL PROMULGATE RULES THAT ALLOW
12 SUSPENSION OF A LAW ENFORCEMENT OFFICER LICENSE FOR 1 OR MORE OF
13 THE FOLLOWING:

14 (A) BEING CHARGED WITH A CRIMINAL OFFENSE THAT IS PUNISHABLE
15 BY IMPRISONMENT FOR MORE THAN 2 YEARS AND THAT IS DETERMINED BY THE
16 COMMISSION TO POSE A THREAT TO PUBLIC HEALTH, SAFETY, AND WELFARE.

17 (B) SEEKING, OBTAINING, OR MAINTAINING EMPLOYMENT WITH A
18 DIFFERENT LAW ENFORCEMENT AGENCY AFTER BEING SUSPENDED BY A LAW
19 ENFORCEMENT AGENCY WITH WHICH HE OR SHE IS EMPLOYED AS A RESULT OF
20 BEING CHARGED WITH 1 OR MORE DESIGNATED OFFENSES SET FORTH IN
21 SUBSECTION (1) OR (2).

22 (6) IN MAKING THE DETERMINATION DESCRIBED IN SUBSECTION (5),
23 THE COMMISSION MAY REGARD DECISIONS MADE BY A COURT REGARDING
24 PRETRIAL RELEASE UNDER MCR 6.106, INCLUDING CONDITIONS OF BOND, IF
25 ANY, AS PRIMA FACIE EVIDENCE OF A THREAT TO THE PUBLIC HEALTH,
26 SAFETY, AND WELFARE.

27 (7) AN ORDER OF SUSPENSION ISSUED BY THE COMMISSION SHALL

1 SPECIFY THE CONDITIONS UNDER WHICH THE LICENSE WILL BE REINSTATED.

2 (8) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
3 REVOKE OR SUSPEND THE LICENSE OF A LAW ENFORCEMENT OFFICER, THAT
4 DECISION OR ORDER IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED IN THE
5 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
6 24.328. A SUMMARY SUSPENSION ISSUED UNDER SUBSECTION (3) IS NOT A
7 FINAL DECISION OR ORDER FOR PURPOSES OF THIS SUBSECTION.

8 (9) THE COMMISSION MAY ISSUE A SUBPOENA IN A CONTESTED CASE TO
9 REVOKE OR SUSPEND A LAW ENFORCEMENT OFFICER'S LICENSE. THE SUBPOENA
10 SHALL BE ISSUED AS PROVIDED IN SECTION 73 OF THE ADMINISTRATIVE
11 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.273.

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

14 (2) In conducting an investigation, the commission may hold
15 hearings, administer oaths, issue subpoenas, and order testimony to
16 be taken at a hearing or by deposition. A hearing held under this
17 section shall be conducted in accordance with chapter 4 of the
18 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to
19 24.287. A final decision OR order issued by the commission is
20 subject to judicial review as provided by chapter 6 of the
21 administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to
22 24.306. **A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR ORDER**
23 **OF THE COMMISSION SHALL BE ADJUDICATED ONLY IN THE CIRCUIT COURT**
24 **FOR INGHAM COUNTY.**

25 (3) The commission may issue a subpoena to do either of the
26 following:

27 (a) Compel the attendance of a witness to testify at a hearing

1 or deposition and give testimony.

2 (b) Produce books, papers, documents, or other items.

3 (4) If a subpoena issued by the commission is not obeyed, the
4 commission may petition the circuit court to require the attendance
5 of a witness or the production of books, papers, documents, or
6 other items. The circuit court may issue an order requiring a
7 person to appear and give testimony or produce books, papers,
8 documents, or other items. Failure to obey the order of the circuit
9 court may be punished by the court as a contempt of court.

10 (5) **THE COMMISSION HAS STANDING TO COMMENCE AN ACTION IN THE**
11 **CIRCUIT COURT FOR INGHAM COUNTY TO COMPEL COMPLIANCE WITH THIS ACT**
12 **OR 1982 PA 302, MCL 18.421 TO 18.428, OR AN ADMINISTRATIVE RULE**
13 **PROMULGATED UNDER THIS ACT OR 1982 PA 302, MCL 18.421 TO 18.428.**

14 Sec. 9d. (1) A law enforcement agency shall maintain an
15 employment history record for each law enforcement officer employed
16 by the law enforcement agency in the manner prescribed by the
17 commission.

18 (2) A law enforcement agency shall report the date on which
19 each person commences or terminates employment as a law enforcement
20 officer for the law enforcement agency in the manner prescribed by
21 the commission.

22 (3) **A LAW ENFORCEMENT AGENCY SHALL COLLECT, VERIFY, AND**
23 **MAINTAIN DOCUMENTATION ESTABLISHING THAT AN APPLICANT FOR**
24 **EMPLOYMENT AS A LAW ENFORCEMENT OFFICER MET OR EXCEEDED THE MINIMUM**
25 **SELECTION AND EMPLOYMENT STANDARDS ESTABLISHED IN RULES PROMULGATED**
26 **UNDER THIS ACT AT THE TIME THE APPLICANT BEGAN EMPLOYMENT WITH THE**
27 **AGENCY.**

1 (4) A LAW ENFORCEMENT AGENCY SHALL COLLECT, VERIFY, AND
2 MAINTAIN DOCUMENTATION ESTABLISHING THAT THE LAW ENFORCEMENT
3 AUTHORITY OF A LAW ENFORCEMENT OFFICER HAS BEEN DIMINISHED FROM
4 THAT PREVIOUSLY CONFERRED BY THE LAWS UNDER WHICH THE OFFICER IS
5 EMPLOYED AS A LAW ENFORCEMENT OFFICER.

6 Sec. 10. ~~(1)~~The commission may enter into agreements with
7 public or private colleges, universities, ~~or other agencies~~ **AND**
8 **OTHER GOVERNMENTAL AND PRIVATE ENTITIES** to carry out the intent of
9 this act.

10 ~~—— (2) The commission may impose a reasonable fee for performing~~
11 ~~any service identified in sections 37 to 42 of the private security~~
12 ~~business and security alarm act, 1968 PA 330, MCL 338.1087 to~~
13 ~~338.1092, which shall be payable by the private college or~~
14 ~~university in connection with which the duties are performed. No~~
15 ~~fee shall exceed the commission's actual cost incurred in~~
16 ~~performing agreed upon duties.~~

17 Sec. 11. (1) The commission may do all of the following:

18 (a) Visit and inspect a police training ~~school,~~ **ACADEMY**, or
19 examine the curriculum or training procedures of a police training
20 ~~school,~~ **ACADEMY**, for which application for approval of the ~~school~~
21 **ACADEMY** has been made.

22 (b) Issue certificates of approval to police training
23 ~~schools.~~ **ACADEMIES**.

24 (c) Authorize the issuance of certificates of graduation or
25 diplomas by approved police training ~~schools~~ **ACADEMIES** to law
26 enforcement officers who have satisfactorily completed minimum
27 courses of study.

1 (d) Cooperate with state, federal, and local police agencies
2 to establish and conduct local or area ~~schools,~~ **ACADEMIES**, or
3 regional training centers for instruction and training of law
4 enforcement officers of this state and of cities, counties,
5 townships, and villages.

6 (e) Make recommendations to the legislature on matters
7 pertaining to qualification and training of law enforcement
8 officers.

9 (f) Establish preservice basic training programs at colleges
10 and universities.

11 ~~—(g) Require an examination for law enforcement officer~~
12 ~~certification under section 9a(1).~~

13 ~~—(h) Issue a waiver as provided for under section 9(7), or~~
14 ~~9(3)(c), or 9(3)(h).~~

15 **(G)** ~~(i)~~—Establish and charge a fee to recover the cost of
16 testing and training individuals who are not employed by a Michigan
17 law enforcement agency.

18 **(H)** ~~(j)~~—Establish and charge a fee to recover the cost of
19 issuing and reissuing ~~certificates~~ **LICENSES** for individuals who are
20 ~~certified~~ **LICENSED** as law enforcement officers in this state.

21 (2) Fees charged under subsection ~~(1)(i)~~ **(1)(G)** and ~~(j)~~ **(H)**
22 shall be deposited in the law enforcement ~~officer~~ **OFFICERS** training
23 **TO LOCALS** fund created in section 13.

24 Sec. 13. There is created in the state treasury a law
25 enforcement officers training **TO LOCALS** fund, from which ~~the~~
26 legislature shall appropriate sums ~~deemed~~ **CONSIDERED** necessary for
27 the purposes of this act. **THE COMMISSION MAY EXPEND MONEY FROM THE**

1 FUND FOR THE REASONABLE EXPENSES OF ADMINISTERING THE FUND.

2 Sec. 14. ~~(1) The amounts annually appropriated by the~~
3 ~~legislature from the law enforcement officers training fund shall~~
4 ~~be paid by the state treasurer as follows.~~ THE COMMISSION MAY
5 ANNUALLY EXPEND AN AMOUNT FROM THE LAW ENFORCEMENT OFFICERS
6 TRAINING TO LOCALS FUND TO COVER THE FOLLOWING:

7 (a) ~~In accordance with the accounting laws of the state upon~~
8 ~~certification of the executive director to reimburse an amount not~~
9 ~~to exceed the training costs incurred for each officer meeting the~~
10 ~~recruitment standards prescribed pursuant to this act during the~~
11 ~~period covered by the allocation, plus an amount not to exceed the~~
12 ~~necessary living expenses incurred by the officer that are~~
13 ~~necessitated by training requiring that he or she be away from his~~
14 ~~or her residence overnight.~~ THE REASONABLE EXPENSES OF PROVIDING
15 STAFF SERVICES TO THE COMMISSION FOR ADMINISTERING THE LAW
16 ENFORCEMENT OFFICERS TRAINING TO LOCALS FUND AND PERFORMING AND
17 ENFORCING THE STATUTORY REQUIREMENTS OF THIS ACT.

18 (b) ~~For the maintenance and administration of law enforcement~~
19 ~~officer testing and certification provided for by this act.~~ IN
20 ACCORDANCE WITH THE ACCOUNTING LAWS OF THIS STATE, UPON
21 CERTIFICATION OF THE EXECUTIVE DIRECTOR, REIMBURSEMENT TO LAW
22 ENFORCEMENT AGENCIES IN AN AMOUNT NOT TO EXCEED THE TRAINING COSTS
23 INCURRED FOR EACH LAW ENFORCEMENT OFFICER MEETING THE LAW
24 ENFORCEMENT OFFICER MINIMUM STANDARDS PRESCRIBED UNDER THIS ACT
25 DURING THE PERIOD COVERED BY THE ALLOCATION.

26 ~~—— (2) If the money in the fund to be appropriated by the~~
27 ~~legislature for the training and living expenses described in~~

1 ~~subsection (1) are insufficient to allocate the amount for training~~
2 ~~and living purposes, the amount shall be reduced proportionately.~~

3 ~~—— (3) An allocation shall not be made from the fund under this~~
4 ~~section to a training agency or to a city, county, township, or~~
5 ~~village or agency of the state that has not, throughout the period~~
6 ~~covered by the allocation, adhered to the standards established by~~
7 ~~the commission as applicable to either training or to personnel~~
8 ~~recruited or trained by the training agency, city, county,~~
9 ~~township, or village or agency of the state during that period.~~

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

14 ~~Sec. 15. A training agency, city, county, township, or village~~
15 ~~or state~~ **LAW ENFORCEMENT** agency that desires to receive
16 reimbursement pursuant to ~~UNDER~~ section 14 shall apply to the
17 commission for the reimbursement. The application shall contain
18 information requested by the commission.

19 **SEC. 16A. (1) A LICENSED LAW ENFORCEMENT OFFICER SHALL**
20 **PROMPTLY INFORM THE COMMISSION IN WRITING IF HE OR SHE IS CHARGED**
21 **WITH ANY OFFENSE FOR WHICH A LAW ENFORCEMENT OFFICER LICENSE MAY BE**
22 **REVOKED OR SUSPENDED UNDER SECTION 9B.**

23 **(2) A LICENSED LAW ENFORCEMENT OFFICER SHALL PROMPTLY INFORM**
24 **THE COMMISSION IN WRITING IF HE OR SHE IS THE SUBJECT OF A PERSONAL**
25 **PROTECTION ORDER THAT HAS BEEN ISSUED AFTER A JUDICIAL HEARING**
26 **UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961,**
27 **1961 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAWS OF ANY**

1 OTHER JURISDICTION.

2 (3) A LAW ENFORCEMENT AGENCY THAT HAS KNOWLEDGE THAT A
3 LICENSED LAW ENFORCEMENT OFFICER IT EMPLOYS HAS BEEN CHARGED WITH
4 AN OFFENSE SPECIFIED IN SUBSECTION (1) OR HAS BECOME THE SUBJECT OF
5 A PERSONAL PROTECTION ORDER SPECIFIED IN SUBSECTION (2) SHALL
6 PROMPTLY REPORT THIS INFORMATION TO THE COMMISSION IN WRITING.

7 (4) A COUNTY PROSECUTING ATTORNEY WHO HAS KNOWLEDGE THAT A
8 LICENSED LAW ENFORCEMENT OFFICER HAS BEEN CHARGED WITH AN OFFENSE
9 SPECIFIED IN SUBSECTION (1) OR HAS BECOME THE SUBJECT OF A PERSONAL
10 PROTECTION ORDER SPECIFIED IN SUBSECTION (2) SHALL PROMPTLY REPORT
11 THIS INFORMATION TO THE COMMISSION IN WRITING.

12 SEC. 16B. (1) THE COMMISSION SHALL PROMULGATE RULES
13 ESTABLISHING MINIMUM STANDARDS FOR CONDUCTING EMPLOYER BACKGROUND
14 INVESTIGATIONS. THE RULES SHALL SPECIFY A FORM THAT EMPLOYING
15 AGENCIES MAY USE TO DOCUMENT THE FINDINGS OF BACKGROUND
16 INVESTIGATIONS. BEFORE EMPLOYING AN APPLICANT, THE EMPLOYING AGENCY
17 SHALL CONDUCT A THOROUGH BACKGROUND INVESTIGATION IN ACCORDANCE
18 WITH THE RULES PROMULGATED BY THE COMMISSION. THE BACKGROUND
19 INVESTIGATION SHALL INCLUDE INFORMATION SETTING FORTH FACTS AND
20 REASONS FOR ANY OF THE APPLICANT'S PREVIOUS SEPARATIONS FROM
21 PRIVATE EMPLOYMENT, PUBLIC EMPLOYMENT, OR APPOINTMENT, AS
22 REPRESENTED BY THE APPLICANT. FOR PURPOSES OF THIS SUBSECTION, THE
23 TERM "SEPARATION FROM EMPLOYMENT" INCLUDES ANY FIRING, TERMINATION,
24 RESIGNATION, RETIREMENT, OR VOLUNTARY OR INVOLUNTARY EXTENDED LEAVE
25 OF ABSENCE FROM ANY SALARIED OR NONSALARIED POSITION. THE EMPLOYING
26 AGENCY SHALL MAINTAIN DOCUMENTATION OF THE BACKGROUND INVESTIGATION
27 FOR A PERIOD CONSISTENT WITH ITS RECORD RETENTION SCHEDULES, AND

1 THAT DOCUMENTATION SHALL BE SIGNED BY THE ADMINISTRATOR OF THE
2 EMPLOYING AGENCY OR HIS OR HER DESIGNEE.

3 (2) BEFORE EMPLOYING AN APPLICANT, AN AUTHORIZED
4 REPRESENTATIVE OF THE EMPLOYING AGENCY SHALL EXECUTE AND MAINTAIN
5 AN AFFIDAVIT OF COMPLIANCE ON A FORM PROVIDED BY THE COMMISSION,
6 ATTESTING TO COMPLIANCE WITH THE RULES PROMULGATED BY THE
7 COMMISSION CONCERNING COMPREHENSIVE BACKGROUND INVESTIGATIONS. THE
8 AFFIDAVIT SHALL INCLUDE CONSPICUOUS LANGUAGE THAT INTENTIONAL FALSE
9 EXECUTION OF THE AFFIDAVIT BY THE AGENCY'S AUTHORIZED
10 REPRESENTATIVE CONSTITUTES PERJURY.

11 SEC. 16C. (1) BEFORE CONDUCTING A BACKGROUND INVESTIGATION, AN
12 EMPLOYING AGENCY SHALL REQUIRE AN AUTHORIZATION AND RELEASE FROM AN
13 APPLICANT. THE EMPLOYING AGENCY SHALL USE A COMMISSION-APPROVED
14 AUTHORIZATION AND RELEASE FORM THAT DOES BOTH OF THE FOLLOWING:

15 (A) AUTHORIZES THE APPLICANT'S CURRENT OR FORMER EMPLOYERS TO
16 DISCLOSE, IN GOOD FAITH, ANY SUBSTANTIATED UNPROFESSIONAL CONDUCT
17 BY THE APPLICANT AND TO PROVIDE TO THE REQUESTING PARTY COPIES OF
18 ALL DOCUMENTS IN THE EMPLOYEE'S PERSONNEL RECORD MAINTAINED BY
19 CURRENT OR FORMER EMPLOYERS RELATING TO GOOD-FAITH DISCLOSURES OF
20 SUBSTANTIATED UNPROFESSIONAL CONDUCT.

21 (B) RELEASES THE CURRENT OR FORMER EMPLOYERS, AND EMPLOYEES
22 ACTING ON BEHALF OF THE CURRENT OR FORMER EMPLOYERS, FROM ANY
23 LIABILITY FOR GOOD-FAITH DISCLOSURES OF SUBSTANTIATED
24 UNPROFESSIONAL CONDUCT, AND WAIVES WRITTEN NOTICE REQUIRED UNDER
25 THE BULLARD-PLAWECKI EMPLOYEE RIGHT TO KNOW ACT, 1978 PA 397, MCL
26 423.501 TO 423.512.

27 (2) AN EMPLOYER SHALL NOT EMPLOY AN APPLICANT WHO REFUSES TO

1 SIGN THE AUTHORIZATION AND RELEASE.

2 (3) NOT LATER THAN 45 CALENDAR DAYS AFTER RECEIVING A REQUEST
3 UNDER SUBSECTION (1), AN EMPLOYER SHALL PROVIDE THE INFORMATION
4 REQUESTED AND MAKE AVAILABLE COPIES OF ALL DOCUMENTS IN THE
5 EMPLOYEE'S PERSONNEL RECORD RELATING TO SUBSTANTIATED
6 UNPROFESSIONAL CONDUCT AS DEFINED IN THIS ACT. AN EMPLOYER,
7 EMPLOYEE, OR AGENT ACTING ON BEHALF OF THE EMPLOYER, WHO DISCLOSES
8 INFORMATION UNDER THIS SECTION IN GOOD FAITH, IS IMMUNE FROM CIVIL
9 LIABILITY FOR THE DISCLOSURE. GOOD FAITH IS PRESUMED UNLESS A
10 PREPONDERANCE OF THE EVIDENCE ESTABLISHES THAT THE EMPLOYER KNEW
11 THAT THE INFORMATION WAS FALSE OR MISLEADING AND WAS DISCLOSED WITH
12 A RECKLESS DISREGARD FOR THE TRUTH OR THE DISCLOSURE WAS PROHIBITED
13 BY STATE OR FEDERAL LAW.

14 (4) INFORMATION RECEIVED UNDER THIS SECTION SHALL BE USED ONLY
15 FOR THE PURPOSES OF DETERMINING SUITABILITY FOR LAW ENFORCEMENT
16 EMPLOYMENT AND LICENSURE AND SHALL NOT BE DISCLOSED TO ANY PERSON
17 NOT DIRECTLY INVOLVED WITH THE EMPLOYER OR THE COMMISSION IN THE
18 EVALUATION PROCESS, UNLESS DISCLOSURE IS REQUIRED BY LAW OR COURT
19 ORDER.

20 (5) AS USED IN THIS SECTION, "SUBSTANTIATED UNPROFESSIONAL
21 CONDUCT" MEANS ON- OR OFF-DUTY CONDUCT BY AN MCOLES LICENSED LAW
22 ENFORCEMENT OFFICER THAT, IF ESTABLISHED, COULD WARRANT REVOCATION
23 OR SUSPENSION UNDER SECTION 9B. SUBSTANTIATED UNPROFESSIONAL
24 CONDUCT DOES NOT INCLUDE EITHER OF THE FOLLOWING:

25 (A) CONDUCT THAT IS SUBSEQUENTLY DETERMINED TO BE
26 UNSUBSTANTIATED BY THE EMPLOYER, OR AN ARBITRATOR OR COURT
27 EXERCISING JURISDICTION OVER THE LAW ENFORCEMENT OFFICER.

1 (B) CONDUCT DESCRIBED IN DOCUMENTS OR OTHER RECORDED MEDIA
2 THAT HAVE BEEN EXPUNGED BY AN ARBITRATOR OR COURT EXERCISING
3 JURISDICTION OVER THE LAW ENFORCEMENT OFFICER.

4 (6) THIS SECTION DOES NOT SUPERSEDE OR ABROGATE ANY PROVISIONS
5 CONTAINED IN THE BULLARD-PLAWECKI EMPLOYEE RIGHT TO KNOW ACT, 1978
6 PA 397, MCL 423.501 TO 423.512.

7 (7) REASONABLE FEES MAY BE CHARGED TO COVER ACTUAL COSTS OF
8 THE EMPLOYER IN COPYING AND FURNISHING DOCUMENTS TO A LAW
9 ENFORCEMENT AGENCY CONDUCTING A BACKGROUND INVESTIGATION ON AN
10 APPLICANT FOR EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

11 Enacting section 1. Sections 4 and 16 of 1982 PA 302, MCL
12 28.604 and 28.616, are repealed.