

LAW ENFORCEMENT EDUCATION REQUIREMENTS AND REACTIVATION OF CERTAIN INACTIVE LICENSES

Phone: (517) 373-8080
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House Bill 5132 (proposed substitute H-1)

Sponsor: Rep. Timothy Beson

Committee: Government Operations

Complete to 11-3-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5132 would amend the Michigan Commission on Law Enforcement Standards (MCOLES) Act to prohibit the requirement of an associate degree for certain individuals, such as veterans or private security guards, who are seeking admission to certain law enforcement training programs or seeking to have previous training recognized for licensure under the act. The bill also would require compliance with licensure standards and procedures regarding psychological fitness as a condition for the reactivation of an inactive law enforcement license.

Note that the bill would not apply to a person licensed or seeking licensure as a tribal law enforcement officer, fire arson investigator, private college security officer, or sheriff.

Education requirements

The act requires an individual to meet certain minimum levels of training, education, physical ability, psychological and character fitness, reading and writing proficiency, and other qualities before he or she can be licensed as a law enforcement officer in Michigan. It requires MCOLES to develop and publish rules governing training and licensing standards and procedures.¹

Under the bill, beginning on the effective date of the bill, MCOLES could not require any of the following individuals seeking admission to a training academy or prior training recognition program (as described below) to have an associate degree:

- A **veteran** with at least 6,240 hours² of military service experience. (**Veteran** would mean an individual who served in the United States Armed Forces, including the reserve component, and was discharged or released under conditions other than dishonorable.)
- A **loss prevention officer** with at least 6,240 hours of work experience in that job. (**Loss prevention officer** would mean a private security guard or private security police officer as defined in the Private Security Business and Security Alarm Act.)
- A **firefighter** with at least 6,240 hours of work experience in that job. (**Firefighter** would mean that term as defined in the Firefighters Training Council Act.)
- **Emergency medical services personnel** with at least 6,240 hours of work experience in that job. (**Emergency medical services personnel** would mean a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.)
- A **public service assistant** with at least 6,240 hours of work experience in that job. (**Public service assistant** would mean a full-time or part-time employee who is

¹ See https://www.michigan.gov/documents/mcoles/Standards_List-2-14-2020_681784_7.pdf

² As a point of comparison, 6,240 hours is equal to 40 hours a week for three years (40 x 52 x 3).

specially trained by a law enforcement agency and who is unarmed and has no arrest or criminal enforcement powers.)

The above provisions would apply regarding an individual seeking admission to a *preservice college basic law enforcement training academy* or a *regional basic law enforcement training academy* or the *recognition of prior basic law enforcement training and experience program* for purposes of licensure under the act as a law enforcement officer.³

The above provisions would *not* apply to a person seeking licensure as a Michigan tribal law enforcement officer, fire arson investigator, private college security officer, or sheriff. The above provisions also would *not* apply to an individual seeking admission to an *agency basic law enforcement training academy*.

R 28.14301 of the Michigan Administrative Code describes the three kinds of law enforcement training academies under the MCOLES Act as follows:

- An *agency basic law enforcement training academy* is a law enforcement agency that is approved by MCOLES to provide a course of study for qualified recruits employed by that law enforcement agency.
- A *preservice college basic law enforcement training academy* is an MCOLES-approved training and education program offered by an accredited community college, college, or university that incorporates the MCOLES-mandated curriculum in the academic course of study.
- A *regional basic law enforcement training academy* is a city, county, township, village, corporation, college, community college, university, or state agency that is approved by MCOLES to offer a basic law enforcement training program to preservice and employed recruits.

Training requirements for licensure under the act also may be met through the *recognition of prior basic law enforcement training and experience program* for granting a waiver from mandatory basic police training (i.e., standard training academy instruction) requirements. This program typically applies to individuals who were previously a police officer in Michigan or another state.⁴

Reactivation of inactive license

Under the act, if a person who has been employed as a law enforcement officer for less than one year is no longer employed as an officer or has had his or her authority to act as an officer removed, his or her license is considered inactive for up to one year. After that time, it is considered lapsed. Similarly, a person who has been employed as an officer for less than two years has a two-year period during which his or her license is considered inactive, after which it is considered lapsed.

The act provides conditions and procedures under which a license that has been rendered inactive can be reactivated without going again through the full licensure process. Currently, an employing law enforcement agency may reactivate an inactive license by complying with

³ *Law enforcement officer* is defined here: <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-28-602.pdf>
Training and licensure standards for sheriffs, tribal law enforcement officers, fire arson investigators, and private college security officers are separately provided in sections 9a, 9b, 9c, and 9d of the act, respectively.

⁴ See <https://www.michigan.gov/mcoles/0,4607,7-229--148071--,00.html>

the applicable licensing procedures required under the act, *except for* verification of such things as the individual's compliance with training requirements, licensing exam proficiency, minimum age, physical ability, education, reading and writing proficiency, or psychological fitness.

The bill would amend the above provisions to no longer exempt compliance with psychological fitness standards. That is, under the bill, compliance with licensing standards and procedures regarding psychological fitness would be required before an inactive license could be reactivated.

The bill also would describe the employing law enforcement agency as requesting the reactivation of the license, rather than effecting the reactivation itself.

The above provisions would *not* apply to a person seeking licensure as a Michigan tribal law enforcement officer, fire arson investigator, private college security officer, or sheriff.

The bill is tie-barred to HB 5133, which means that it could not take effect unless HB 5133 were also enacted. (House Bill 5133 would amend the MCOLES Act to require compliance with licensure standards and procedures regarding psychological fitness as a condition for the reactivation of an inactive tribal law enforcement license.)

MCL 28.609

FISCAL IMPACT:

House Bill 5132 would have an indeterminate, though likely modest, fiscal impact on the Michigan Commission on Law Enforcement Standards, housed within the Department of State Police. The bill would likely require revisions to MCOLES's materials and IT systems, though the costs of such changes are unknown. The bill would not have a significant direct fiscal impact on any other law enforcement agencies.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.