LOCAL CORRECTIONS OFFICERS TRAINING ACT

Act 125 of 2003

AN ACT to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

History: 2003, Act 125, Eff. Oct. 1, 2003

The People of the State of Michigan enact:

CAUTION! This document is from an archive and may contain outdated information.

791.531 Short title.

Sec. 1.

This act shall be known and may be cited as the "local corrections officers training act".

History: 2003, Act 125, Eff. Oct. 1, 2003

791.532 Definitions.

Sec. 2.

As used in this act:

(a) "Board" means the local corrections officers advisory board created in section 9.

(b) "Council" means the sheriffs coordinating and training council described in section 4.

(c) "Executive secretary" means the executive secretary of the council.

(d) "Local correctional facility" means county jail, work camp, or any other facility maintained by a county that houses adult prisoners.

(e) "Local corrections officer" means any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator.

(f) "Office" means the sheriffs coordinating and training office created in section 3.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.533 Sheriffs coordinating and training office; creation; head of office; chief executive officer; executive secretary.

Sec. 3.

(1) The sheriffs coordinating and training office is created as an autonomous entity in the department of corrections. The department is not fiscally or programmatically responsible or liable for any of the responsibilities or duties of the office, council, or board contained in this act.

(2) The head of the office is the sheriffs coordinating and training council.

(3) The chief executive officer of the office is the executive secretary, who shall be appointed by the council and who shall hold office at the pleasure of the council. The executive secretary shall perform the functions and duties as may be assigned by the council.

The council may employ other persons as it considers necessary to implement the intent and purpose of this act.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.534 Qualifications and appointment of members; vacancy; reappointment; terms.

Sec. 4.

(1) The council consists of 7 members selected as follows:

(a) The president of the Michigan sheriffs' association.

(b) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population of over 400,000.

(c) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population of between 100,000 and 400,000.

(d) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population under 100,000.

(e) Two members appointed to the council for terms of 1 year each, who shall be elected by the deputy sheriff's association of Michigan.

(f) One member appointed to the council for a 1-year term, who shall be elected by the jail administrators committee of the Michigan sheriffs' association.

(2) A member shall vacate his or her appointment upon termination of his or her official position as a sheriff or a deputy sheriff. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member whom he or she is to succeed in the same manner as the original appointment. Any member may be reappointed for additional terms.

(3) The terms of the members first appointed shall begin January 1, 2004.

History: 2003, Act 125, Eff. Oct. 1, 2003

CAUTION! This document is from an archive and may contain outdated information.

791.535 Chairperson; vice-chairperson; designation; terms; reelection; meetings; conduct; compensation.

Sec. 5.

(1) The council shall designate from among its members a chairperson and vice-chairperson, who shall serve for 1-year terms and who may be reelected.

(2) The council shall meet at least 4 times in each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson or when called by the chairperson upon the written request of 3 members of the council. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meetings and other matters.

(3) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and public notice of the time, date, and place of the meeting shall be given in the manner required by that act.

(4) The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.536 Holding public office or employment; disqualification prohibited.

Sec. 6.

A member of the council shall not be disqualified from holding any public office or employment by reason of his or her appointment or membership on the council and shall not forfeit that public office or employment by reason of his or her appointment to the council, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.537 Administrative support services.

Sec. 7.

Administrative support services for the council and executive secretary shall be provided by the council as provided by separate appropriation for the council.

History: 2003, Act 125, Eff. Oct. 1, 2003

CAUTION! This document is from an archive and may contain outdated information.

791.538 Standards and requirements.

Sec. 8.

Not later than October 1, 2004 and as often as necessary after that, the council shall approve minimum standards and requirements for local corrections officers with respect to the following:

(a) Recruitment, selection, and certification of new local corrections officers based upon at least, but not limited to, work experience, educational achievement, and physical and mental fitness.

(b) New employee and continuing training programs.

(c) Recertification process.

(d) Course content of the vocational certificate program, the central training academy, and continuing training programs. The course content shall include education and training on how to identify and manage prisoners with a mental illness.

(e) Decertification process.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.539 Local corrections officers advisory board; creation; qualifications and appointment of members; terms; vacancy; reappointment; compensation; development and recommendation of standards and requirements; training facilities.

Sec. 9.

(1) The local corrections officers advisory board is created within the council. The board shall consist of 9 members appointed by the council, as follows:

(a) Three members of the board shall be members of the deputy sheriff's association of Michigan.

(b) Three members of the board shall be members of the Michigan sheriffs' association.

(c) One member of the board shall be a member of the police officers association of Michigan.

(d) One member of the board shall be a member of the fraternal order of police.

(e) One member of the board shall be a member of the Michigan association of counties.

(2) All members of the board shall hold office for terms of 3 years each, except that of the members first appointed 3 shall serve for terms of 1 year each, 3 shall serve for terms of 2 years each, and 3 shall serve for terms of 3 years each. Successors shall be appointed in the same manner as the original appointment.

(3) A person appointed as a member to fill a vacancy created other than by expiration of a term shall be appointed in the same manner as the original appointment for the remainder of the unexpired term of the member whom the person is to succeed.

(4) Any member may be reappointed for additional terms.

(5) The members of the board shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

(6) Not later than April 1, 2004 and as often as necessary after that, the board shall develop and recommend minimum standards and requirements for local corrections officers and shall submit those standards and requirements to the council for the council's approval under section 8.

(7) The board shall recommend to the council all facilities that the board approves for providing training to local corrections officers under this act.

History: 2003, Act 125, Eff. Oct. 1, 2003

CAUTION! This document is from an archive and may contain outdated information.

791.540 Annual report.

Sec. 10.

The board shall make an annual report to the council that includes pertinent data regarding the standards and requirements established and an evaluation on the effectiveness of local corrections officer training programs.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.541 Local corrections officer; certification.

Sec. 11.

Beginning April 1, 2004, a person shall not be a local corrections officer unless he or she is certified or recertified by the council as provided in section 12 or 13. The council shall certify those persons and recertify on an annual basis those persons who satisfy the criteria set forth in section 12 or 13.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.542 Local corrections officer; evidence of employment; certification.

Sec. 12.

Effective January 1, 2005, a person who is employed as a local corrections officer before January 1, 2005, upon furnishing the council satisfactory evidence of his or her employment as a local corrections officer, shall be certified and recertified by the council as a local corrections officer if he or she applies to the council for certification not later than April 1, 2004.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.543 Local corrections officer; certification; conditions.

Sec. 13.

A person who was not employed as a local corrections officer before January 1, 2005 but who becomes employed as a local corrections officer on or after January 1, 2005 shall not be certified or recertified by the council unless he or she meets all of the following conditions:

(a) He or she is a citizen of the United States and is 18 years of age or older.

(b) He or she has obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(c) Not later than 12 months after becoming employed as a local corrections officer, he or she has fulfilled other standards and requirements developed by the board and approved by the council for certification.

(d) He or she has fulfilled standards and requirements developed by the council upon the recommendation of the board for recertification.

History: 2003, Act 125, Eff. Oct. 1, 2003

CAUTION! This document is from an archive and may contain outdated information.

791.543a Collective bargaining agreement; temporary transfer or assignment.

Sec. 13a.

Nothing in this act supersedes a right granted under a collective bargaining agreement. A person who exercises a right pursuant to a collective bargaining agreement that results in that person being required to obtain certification under this act shall be allowed not less than 2 years to obtain that certification at the expense of the employer. Nothing in this act prohibits the county sheriff from temporarily transferring or assigning an uncertified employee to a position normally requiring certification or from using an uncertified employee to function as a corrections officer during any period of emergency.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.544 Duties of council.

Sec. 14.

The council may do all of the following:

(a) Enter into agreements with other public or private agencies or organizations to implement the intent of this act.

(b) Cooperate with and assist other public or private agencies or organizations to implement the intent of this act.

(c) Make recommendations to the legislature on matters pertaining to its responsibilities under this act.

History: 2003, Act 125, Eff. Oct. 1, 2003

791.545 Local corrections officers training fund; creation in state treasury; administration; source of funds; use; eligibility of counties to receive grants; reimbursement of fee; unexpended funds.

Sec. 15.

(1) The local corrections officers training fund is created in the state treasury. The fund shall be administered by the council, which shall expend the fund only as provided in this section.

(2) There shall be credited to the local corrections officer training fund all revenue received from fees and civil fines collected under section 4b of 1846 RS 171, MCL 801.4b, and funds from any other source provided by law.

(3) The council shall use the fund only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the office, board, and council; and other expenditures related to the requirements of this act. Only counties that forward to the fund 100% of fees collected under section 4b of 1846 RS 171, MCL 801.4b, are eligible to receive grants from the fund. A county that receives funds from the council under this section shall use those funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county and shall not use those funds to supplant current spending by the county for those purposes, including state grants and training funds.

(4) The council, upon written request, shall reimburse the full amount of any fee paid by a person under section 4b of 1846 RS 171, MCL 801.4b, if the person was incarcerated pending trial and was found not guilty or the prosecution against the person was terminated for any reason. The council shall create and make available to all local correctional facilities in this state a written form explaining the provisions of this subsection. The form shall include the address to which the reimbursement request should be sent.

(5) Unexpended funds remaining in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

History: 2003, Act 125, Eff. Oct. 1, 2003

CAUTION! This document is from an archive and may contain outdated information.

791.546 Acceptance of funds, grants, and gifts.

Sec. 16.

The council may accept funds, grants, and gifts from any public or private source which shall be used to defray the expenses incident to implementing its responsibilities under this act.

History: 2003, Act 125, Eff. Oct. 1, 2003