

COMMISSION ON LAW ENFORCEMENT STANDARDS ACT (EXCERPT)
Act 203 of 1965

***** 28.609a.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 2, 2017 *****

28.609a.amended Individuals elected or appointed to office of sheriff; licensure; procedures; duty of licensed individual to report certain information; validity of license; revocation.

Sec. 9a. (1) This section applies only to individuals elected or appointed to the office of sheriff in this state. Employment of law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section.

(2) The licensure process under this section shall comply with the following procedures:

(a) Not more than 10 calendar days after taking an oath of office for the office of sheriff in this state, an individual shall submit to the commission a copy of the executed oath of office.

(b) If, upon reviewing the executed oath of office, the commission determines that the individual has been elected or appointed to the office of sheriff in this state, the commission shall grant the individual a license.

(c) If, upon reviewing the executed oath of office, the commission determines that the individual has not been elected or appointed to the office of sheriff in this state, the commission may do either of the following:

- (i) Verify, through other means, election or appointment to the office of sheriff in this state.
- (ii) Deny the issuance of a license and inform the individual denied.

(3) An individual licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(4) A license granted under this section is valid until any of the following occur:

- (a) A court order or other operation of law renders the license void.
- (b) The individual's term of office as a sheriff in this state expires.
- (c) The commission revokes the license as provided in this section.

(5) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing revocations under this subsection:

(a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Sections 7403(2)(c) and 7404(2)(a), (b), and (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Sections 81(4) and 81a and a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(6) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

History: Add. 1998, Act 237, Imd. Eff. July 3, 1998;—Am. 2016, Act 289, Eff. Jan. 2, 2017.

Compiler's note: For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.