

# HOUSE BILL NO. 6394

September 22, 2022, Introduced by Reps. Mueller, Berman, Bezotte, Mekoski, Sabo, Clements, Tyrone Carter and Harris and referred to the Committee on Government Operations.

A bill to amend 1965 PA 203, entitled  
"Michigan commission on law enforcement standards act,"  
by amending sections 9, 9b, 9c, and 9d (MCL 28.609, 28.609b,  
28.609c, and 28.609d), as amended by 2018 PA 552.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9. (1) This section applies to all law enforcement  
2 officers except individuals to whom sections 9a, 9b, 9c, and 9d  
3 apply. Employment of law enforcement officers to whom this section  
4 applies is subject to the licensing requirements and procedures of

1 this section and section 9e. An individual who seeks admission to a  
2 preservice college basic law enforcement training academy or a  
3 regional basic law enforcement training academy or the recognition  
4 of prior basic law enforcement training and experience program for  
5 purposes of licensure under this section shall submit to  
6 fingerprinting as provided in section 11(3).

7 (2) The commission shall promulgate rules governing licensing  
8 standards and procedures for individuals licensed under this  
9 section. In promulgating the rules, the commission shall give  
10 consideration to the varying factors and special requirements of  
11 law enforcement agencies. Rules promulgated under this subsection  
12 must pertain to the following:

13 (a) Subject to section 9e, training requirements that may be  
14 met by completing either of the following:

15 (i) Preenrollment requirements, courses of study, attendance  
16 requirements, and instructional hours at an agency basic law  
17 enforcement training academy, a preservice college basic law  
18 enforcement training academy, or a regional basic law enforcement  
19 training academy.

20 (ii) The recognition of prior basic law enforcement training  
21 and experience program for granting a waiver from the licensing  
22 standard specified in subparagraph (i).

23 (b) Proficiency on a licensing examination administered after  
24 compliance with the licensing standard specified in subdivision  
25 (a).

26 (c) Physical ability, **except that a rule promulgated under**  
27 **this subdivision must not require that an individual possess normal**  
28 **color vision without the assistance of color-enhancing lenses to be**  
29 **licensed as a law enforcement officer under this section.**

1 (d) Psychological fitness.

2 (e) Education.

3 (f) Reading and writing proficiency.

4 (g) Minimum age.

5 (h) Whether or not a valid operator's or chauffeur's license  
6 is required for licensure.

7 (i) Character fitness, as determined by a background  
8 investigation supported by a written authorization and release  
9 executed by the individual for whom licensure is sought.

10 (j) Whether or not United States citizenship is required for  
11 licensure.

12 (k) Employment as a law enforcement officer.

13 (l) The form and manner for execution of a written oath of  
14 office by a law enforcement agency with whom the individual is  
15 employed, and the content of the written oath conferring authority  
16 to act with all of the law enforcement authority described in the  
17 laws of this state under which the individual is employed.

18 (m) The ability to be licensed and employed as a law  
19 enforcement officer under this section, without a restriction  
20 otherwise imposed by law.

21 (3) The licensure process under this section must follow the  
22 following procedures:

23 (a) Before executing the oath of office, an employing law  
24 enforcement agency verifies that the individual to whom the oath is  
25 to be administered complies with licensing standards.

26 (b) A law enforcement agency employing an individual licensed  
27 under this section authorizes the individual to exercise the law  
28 enforcement authority described in the laws of this state under  
29 which the individual is employed, by executing a written oath of

1 office.

2 (c) Not more than 10 calendar days after executing the oath of  
3 office, the employing law enforcement agency shall attest in  
4 writing to the commission that the individual to whom the oath was  
5 administered satisfies the licensing standards by submitting an  
6 executed affidavit and a copy of the executed oath of office.

7 (4) If, upon reviewing the executed affidavit and executed  
8 oath of office, the commission determines that the individual  
9 complies with the licensing standards, the commission shall grant  
10 the individual a license.

11 (5) If, upon reviewing the executed affidavit and executed  
12 oath of office, the commission determines that the individual does  
13 not comply with the licensing standards, the commission may do any  
14 of the following:

15 (a) Supervise the remediation of errors or omissions in the  
16 affidavit and oath of office.

17 (b) Supervise the remediation of errors or omissions in the  
18 screening, procedures, examinations, testing, and other means used  
19 to verify compliance with the licensing standards.

20 (c) Supervise additional screening, procedures, examinations,  
21 testing, and other means used to determine compliance with the  
22 licensing standards.

23 (d) Deny the issuance of a license and inform the employing  
24 law enforcement agency.

25 (6) Upon being informed that the commission has denied  
26 issuance of a license, the employing law enforcement agency shall  
27 promptly inform the individual whose licensure was denied.

28 (7) An individual denied a license under this section shall  
29 not exercise the law enforcement authority described in the laws of

1 this state under which the individual is employed. This subsection  
2 does not divest the individual of that authority until the  
3 individual has been informed that his or her licensure was denied.

4 (8) A law enforcement agency that has administered an oath of  
5 office to an individual under this section shall do all of the  
6 following, with respect to that individual:

7 (a) Report to the commission all personnel transactions  
8 affecting employment status in a manner prescribed in rules  
9 promulgated by the commission.

10 (b) Report to the commission concerning any action taken by  
11 the employing agency that removes the authority conferred by the  
12 oath of office, or that restores the individual's authority to that  
13 conferred by the oath of office, in a manner prescribed in rules  
14 promulgated by the commission.

15 (c) Maintain an employment history record.

16 (d) Collect, verify, and maintain documentation establishing  
17 that the individual complies with the licensing standards.

18 (9) An individual licensed under this section shall report ~~all~~  
19 **both** of the following to the commission:

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

24 (b) The imposition of a personal protection order against that  
25 individual after a judicial hearing under section 2950 or 2950a of  
26 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
27 600.2950a, or under the laws of any other jurisdiction, upon being  
28 informed of the imposition of such an order, in a manner prescribed  
29 in rules promulgated by the commission.

1 (10) A license issued under this section is rendered inactive,  
2 and may be reactivated, as follows:

3 (a) A license is rendered inactive if 1 or more of the  
4 following occur:

5 (i) An individual, having been employed as a law enforcement  
6 officer for fewer than 2,080 hours in aggregate, is thereafter  
7 continuously not employed as a law enforcement officer for less  
8 than 1 year.

9 (ii) An individual, having been employed as a law enforcement  
10 officer for fewer than 2,080 hours in aggregate, is thereafter  
11 continuously subjected to a removal of the authority conferred by  
12 the oath of office for less than 1 year.

13 (iii) An individual, having been employed as a law enforcement  
14 officer for 2,080 hours or longer in aggregate, is thereafter  
15 continuously not employed as a law enforcement officer for less  
16 than 2 years.

17 (iv) An individual, having been employed as a law enforcement  
18 officer for 2,080 hours or longer in aggregate, is continuously  
19 subjected to a removal of the authority conferred by the oath of  
20 office for less than 2 years.

21 (b) An employing law enforcement agency may reactivate a  
22 license rendered inactive by complying with the licensure  
23 procedures described in subsection (3), excluding verification of  
24 and attestation to compliance with the licensing standards  
25 described in subsection (2)(a) to (g).

26 (c) A license that has been reactivated under this section is  
27 valid for all purposes described in this act.

28 (11) A license issued under this section is rendered lapsed,  
29 without barring further licensure under this act, if 1 or more of

1 the following occur:

2 (a) An individual, having been employed as a law enforcement  
3 officer for fewer than 2,080 hours in aggregate, is thereafter  
4 continuously not employed as a law enforcement officer for 1 year.

5 (b) An individual, having been employed as a law enforcement  
6 officer for fewer than 2,080 hours in aggregate, is thereafter  
7 continuously subjected to a removal of the authority conferred by  
8 the oath of office for 1 year.

9 (c) An individual, having been employed as a law enforcement  
10 officer for 2,080 hours or longer in aggregate, is thereafter  
11 continuously not employed as a law enforcement officer for 2 years.

12 (d) An individual, having been employed as a law enforcement  
13 officer for 2,080 hours or longer in aggregate, is continuously  
14 subjected to a removal of the authority conferred by the oath of  
15 office for 2 years.

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

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

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

1 appointment, enrollment, training, or licensure application.

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

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

10 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
11 300, MCL 257.625, if the individual has a prior conviction, as that  
12 term is defined in section 625(25) (b) of the Michigan vehicle code,  
13 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
14 adjudication as described in section 625(9) (b) of the Michigan  
15 vehicle code, 1949 PA 300, MCL 257.625.

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

18 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
19 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
20 and 750.411h.

21 (13) The following procedures and requirements apply to  
22 license revocation under this section:

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

27 (b) A hearing for license revocation must be conducted as a  
28 contested case under the administrative procedures act of 1969,  
29 1969 PA 306, MCL 24.201 to 24.328.

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

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

9 (e) If the commission issues a final decision or order to  
10 revoke a license, that decision or order is subject to judicial  
11 review as provided in the administrative procedures act of 1969,  
12 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
13 in this section is not a final decision or order for purposes of  
14 judicial review.

15 (14) An individual licensed under this section shall not  
16 exercise the law enforcement authority described in the laws of  
17 this state under which the individual is employed if any of the  
18 following occur:

19 (a) The individual's license is rendered void by a court order  
20 or other operation of law.

21 (b) The individual's license is revoked.

22 (c) The individual's license is rendered inactive.

23 (d) The individual's license is rendered lapsed.

24 Sec. 9b. (1) This section applies only to individuals who are  
25 employed as Michigan tribal law enforcement officers in this state  
26 and are subject to a written instrument authorizing them to enforce  
27 the laws of this state. Conferring authority to enforce the laws of  
28 this state to law enforcement officers to whom this section applies  
29 is subject to the licensing requirements and procedures of this

1 section and section 9e. An individual who seeks admission to a  
2 preservice college basic law enforcement training academy or a  
3 regional basic law enforcement training academy or the recognition  
4 of prior basic law enforcement training and experience program for  
5 purposes of licensure under this section shall submit to  
6 fingerprinting as provided in section 11(3).

7 (2) The commission shall promulgate rules governing licensing  
8 standards and procedures, pertaining to the following:

9 (a) Subject to section 9e, training requirements that may be  
10 met by completing either of the following:

11 (i) Preenrollment requirements, courses of study, attendance  
12 requirements, and instructional hours at an agency basic law  
13 enforcement training academy, a preservice college basic law  
14 enforcement training academy, or a regional basic law enforcement  
15 training academy.

16 (ii) The recognition of prior basic law enforcement training  
17 and experience program for granting a waiver from the licensing  
18 standard specified in subparagraph (i).

19 (b) Proficiency on a licensing examination administered after  
20 compliance with the licensing standard specified in subdivision  
21 (a).

22 (c) Physical ability, **except that a rule promulgated under**  
23 **this subdivision must not require that an individual possess normal**  
24 **color vision without the assistance of color-enhancing lenses to be**  
25 **licensed as a law enforcement officer under this section.**

26 (d) Psychological fitness.

27 (e) Education.

28 (f) Reading and writing proficiency.

29 (g) Minimum age.

1 (h) Whether or not a valid operator's or chauffeur's license  
2 is required for licensure.

3 (i) Character fitness, as determined by a background  
4 investigation supported by a written authorization and release  
5 executed by the individual for whom licensure is sought.

6 (j) Whether or not United States citizenship is required for  
7 licensure.

8 (k) Employment as a Michigan tribal law enforcement officer.

9 (l) The form and manner for execution of a written instrument  
10 conferring authority upon the individual to enforce the laws of  
11 this state, consisting of any of the following:

12 (i) Deputation by a sheriff of this state, conferring authority  
13 upon the individual to enforce the laws of this state.

14 (ii) Appointment as a law enforcement officer by a law  
15 enforcement agency, conferring authority upon the individual to  
16 enforce the laws of this state.

17 (iii) Execution of a written agreement between the Michigan  
18 tribal law enforcement agency with whom the individual is employed  
19 and a law enforcement agency, conferring authority upon the  
20 individual to enforce the laws of this state.

21 (iv) Execution of a written agreement between this state, or a  
22 subdivision of this state, and the United States, conferring  
23 authority upon the individual to enforce the laws of this state.

24 (m) The ability to be licensed and employed as a law  
25 enforcement officer under this section, without a restriction  
26 otherwise imposed by law.

27 (3) The licensure process under this section must follow the  
28 following procedures:

29 (a) A law enforcement agency or other governmental agency

1 conferring authority upon a Michigan tribal law enforcement officer  
2 as provided in this section shall confer the authority to enforce  
3 the laws of this state by executing a written instrument as  
4 provided in this section.

5 (b) Before executing the written instrument, a law enforcement  
6 agency or other governmental agency shall verify that the  
7 individual complies with the licensing standards.

8 (c) Not more than 10 calendar days after the effective date of  
9 the written instrument, the law enforcement agency or other  
10 governmental agency executing the written instrument shall attest  
11 in writing to the commission that the individual to whom the  
12 authority was conferred satisfies the licensing standards, by  
13 submitting an executed affidavit and a copy of the written  
14 instrument.

15 (4) If, upon reviewing the executed affidavit and the written  
16 instrument, the commission determines that the individual complies  
17 with the licensing standards, the commission shall grant the  
18 individual a license.

19 (5) If, upon reviewing the executed affidavit and the written  
20 instrument, the commission determines that the individual does not  
21 comply with the licensing standards, the commission may do any of  
22 the following:

23 (a) Supervise the remediation of errors or omissions in the  
24 affidavit and oath of office.

25 (b) Supervise the remediation of errors or omissions in the  
26 screening, procedures, examinations, testing, and other means used  
27 to verify compliance with the licensing standards.

28 (c) Supervise additional screening, procedures, examinations,  
29 testing, and other means used to determine compliance with the

1 licensing standards.

2 (d) Deny the issuance of a license and inform the law  
3 enforcement agency or other governmental agency conferring  
4 authority to enforce the laws of this state upon an individual to  
5 whom this section applies.

6 (6) Upon being informed that the commission has denied  
7 issuance of a license, a law enforcement agency or other  
8 governmental agency conferring authority to enforce the laws of  
9 this state upon an individual to whom this section applies shall  
10 promptly inform the individual denied.

11 (7) An individual denied a license under this section shall  
12 not exercise the law enforcement authority described in a written  
13 instrument conferring authority upon the individual to enforce the  
14 laws of this state. This subsection does not divest the individual  
15 of that authority until the individual has been informed that his  
16 or her license was denied.

17 (8) A written instrument conferring authority to enforce the  
18 laws of this state upon an individual to whom this section applies  
19 must include the following:

20 (a) A requirement that the employing Michigan tribal law  
21 enforcement agency report to the commission all personnel  
22 transactions affecting employment status in a manner prescribed in  
23 rules promulgated by the commission.

24 (b) A requirement that the employing Michigan tribal law  
25 enforcement agency report to the commission concerning any action  
26 it takes that removes the authority conferred by the written  
27 instrument conferring authority upon the individual to enforce the  
28 laws of this state or that restores the individual's authority to  
29 that conferred by the written instrument, in a manner prescribed in

1 rules promulgated by the commission.

2 (c) A requirement that the employing Michigan tribal law  
3 enforcement agency maintain an employment history record.

4 (d) A requirement that the employing Michigan tribal law  
5 enforcement agency collect, verify, and maintain documentation  
6 establishing that the individual complies with the applicable  
7 licensing standards.

8 (9) A written instrument conferring authority to enforce the  
9 laws of this state upon an individual to whom this section applies  
10 must include a requirement that the employing Michigan tribal law  
11 enforcement agency report **both of** the following regarding an  
12 individual licensed under this section:

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

17 (b) The imposition of a personal protection order against that  
18 individual after a judicial hearing under section 2950 or 2950a of  
19 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
20 600.2950a, or under the laws of any other jurisdiction, upon being  
21 informed of the imposition of such an order, in a manner prescribed  
22 in rules promulgated by the commission.

23 (10) A license issued under this section is rendered inactive,  
24 and may be reactivated, as follows:

25 (a) A license is rendered inactive if 1 or more of the  
26 following occur:

27 (i) An individual, having been employed as a law enforcement  
28 officer in aggregate for less than 2,080 hours, is thereafter  
29 continuously not employed as a law enforcement officer for less

1 than 1 year.

2 (ii) An individual, having been employed as a law enforcement  
3 officer in aggregate for less than 2,080 hours, is thereafter  
4 continuously subjected to a removal of the authority conferred by  
5 the written instrument authorizing the individual to enforce the  
6 laws of this state for less than 1 year.

7 (iii) An individual, having been employed as a law enforcement  
8 officer in aggregate for 2,080 hours or longer, is thereafter  
9 continuously not employed as a law enforcement officer for less  
10 than 2 years.

11 (iv) An individual, having been employed as a law enforcement  
12 officer in aggregate for 2,080 hours or longer, is continuously  
13 subjected to a removal of the authority conferred by the written  
14 instrument authorizing the individual to enforce the laws of this  
15 state for less than 2 years.

16 (b) A law enforcement agency or other governmental agency  
17 conferring authority to enforce the laws of this state upon an  
18 individual to whom this section applies may reactivate a license  
19 rendered inactive by complying with the licensure procedures  
20 described in subsection (3), excluding verification of and  
21 attestation to compliance with the licensing standards described in  
22 subsection (2)(a) to (g).

23 (c) A license that has been reactivated under this section is  
24 valid for all purposes described in this act.

25 (11) A license issued under this section is rendered lapsed,  
26 without barring further licensure under this act, if 1 or more of  
27 the following occur:

28 (a) An individual, having been employed as a law enforcement  
29 officer in aggregate for less than 2,080 hours, is thereafter

1 continuously not employed as a law enforcement officer for 1 year.

2 (b) An individual, having been employed as a law enforcement  
3 officer in aggregate for less than 2,080 hours, is thereafter  
4 continuously subjected to a removal of the authority conferred by  
5 the written instrument authorizing the individual to enforce the  
6 laws of this state for 1 year.

7 (c) An individual, having been employed as a law enforcement  
8 officer in aggregate for 2,080 hours or longer, is thereafter  
9 continuously not employed as a law enforcement officer for 2 years.

10 (d) An individual, having been employed as a law enforcement  
11 officer in aggregate for 2,080 hours or longer, is continuously  
12 subjected to a removal of the authority conferred by the written  
13 instrument authorizing the individual to enforce the laws of this  
14 state for 2 years.

15 (12) The commission shall revoke a license granted under this  
16 section for any of the following circumstances and shall promulgate  
17 rules governing these revocations under this section:

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

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

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

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

9 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
10 300, MCL 257.625, if the individual has a prior conviction, as that  
11 term is defined in section 625(25)(b) of the Michigan vehicle code,  
12 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
13 adjudication as described in section 625(9)(b) of the Michigan  
14 vehicle code, 1949 PA 300, MCL 257.625.

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

17 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
18 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
19 and 750.411h.

20 (13) The following procedures and requirements apply to  
21 license revocation under this section:

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

26 (b) A hearing for license revocation must be conducted as a  
27 contested case under the administrative procedures act of 1969,  
28 1969 PA 306, MCL 24.201 to 24.328.

29 (c) In lieu of participating in a contested case, an

1 individual may voluntarily and permanently relinquish his or her  
2 law enforcement officer license by executing before a notary public  
3 an affidavit of license relinquishment prescribed by the  
4 commission.

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

8 (e) If the commission issues a final decision or order to  
9 revoke a license, that decision or order is subject to judicial  
10 review as provided in the administrative procedures act of 1969,  
11 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
12 in this section is not a final decision or order for purposes of  
13 judicial review.

14 (14) An individual licensed under this section shall not  
15 exercise the law enforcement authority described in a written  
16 instrument conferring authority upon the individual to enforce the  
17 laws of this state if any of the following occur:

18 (a) The individual's license is rendered void by a court order  
19 or other operation of law.

20 (b) The individual's license is revoked.

21 (c) The individual's license is rendered inactive.

22 (d) The individual's license is rendered lapsed.

23 Sec. 9c. (1) This section applies only to individuals who are  
24 employed as fire arson investigators from fire departments within  
25 villages, cities, townships, or counties in this state, who are  
26 sworn and fully empowered by the chiefs of police of those  
27 villages, cities, townships, or counties. Conferring authority to  
28 enforce the laws of this state to law enforcement officers to whom  
29 this section applies is subject to the licensing requirements and

1 procedures of this section and section 9e. An individual who seeks  
2 admission to a preservice college basic law enforcement training  
3 academy or a regional basic law enforcement training academy or the  
4 recognition of prior basic law enforcement training and experience  
5 program for purposes of licensure under this section shall submit  
6 to fingerprinting as provided in section 11(3).

7 (2) The commission shall promulgate rules governing licensing  
8 standards and procedures, pertaining to the following:

9 (a) Subject to section 9e, training requirements that may be  
10 met by completing either of the following:

11 (i) Preenrollment requirements, courses of study, attendance  
12 requirements, and instructional hours at an agency basic law  
13 enforcement training academy, a preservice college basic law  
14 enforcement training academy, or a regional basic law enforcement  
15 training academy.

16 (ii) The recognition of prior basic law enforcement training  
17 and experience program for granting a waiver from the licensing  
18 standard specified in subparagraph (i).

19 (b) Proficiency on a licensing examination administered after  
20 compliance with the licensing standard specified in subdivision  
21 (a).

22 (c) Physical ability, **except that a rule promulgated under**  
23 **this subdivision must not require that an individual possess normal**  
24 **color vision without the assistance of color-enhancing lenses to be**  
25 **licensed as a law enforcement officer under this section.**

26 (d) Psychological fitness.

27 (e) Education.

28 (f) Reading and writing proficiency.

29 (g) Minimum age.

1 (h) Whether or not a valid operator's or chauffeur's license  
2 is required for licensure.

3 (i) Character fitness, as determined by a background  
4 investigation supported by a written authorization and release  
5 executed by the individual for whom licensure is sought.

6 (j) Whether or not United States citizenship is required for  
7 licensure.

8 (k) Employment as a fire arson investigator from a fire  
9 department within a village, city, township, or county in this  
10 state, who is sworn and fully empowered by the chief of police of  
11 that village, city, township, or county.

12 (l) The form and manner for execution of a written oath of  
13 office by the chief of police of a village, city, township, or  
14 county law enforcement agency, and the content of the written oath  
15 conferring authority to enforce the laws of this state.

16 (m) The ability to be licensed and employed as a law  
17 enforcement officer under this section, without a restriction  
18 otherwise imposed by law.

19 (3) The licensure process under this section must follow the  
20 following procedures:

21 (a) Before executing the oath of office, the chief of police  
22 shall verify that the individual to whom the oath is to be  
23 administered complies with the licensing standards.

24 (b) The chief of police shall execute an oath of office  
25 authorizing the individual to enforce the laws of this state.

26 (c) Not more than 10 calendar days after executing the oath of  
27 office, the chief of police shall attest in writing to the  
28 commission that the individual to whom the oath was administered  
29 satisfies the licensing standards by submitting an executed

1 affidavit and a copy of the executed oath of office.

2 (4) If, upon reviewing the executed affidavit and executed  
3 oath of office, the commission determines that the individual  
4 complies with the licensing standards, the commission shall grant  
5 the individual a license.

6 (5) If, upon reviewing the executed affidavit and executed  
7 oath of office, the commission determines that the individual does  
8 not comply with the licensing standards, the commission may do any  
9 of the following:

10 (a) Supervise the remediation of errors or omissions in the  
11 affidavit and oath of office.

12 (b) Supervise the remediation of errors or omissions in the  
13 screening, procedures, examinations, testing, and other means used  
14 to verify compliance with the licensing standards.

15 (c) Supervise additional screening, procedures, examinations,  
16 testing, and other means used to determine compliance with the  
17 licensing standards.

18 (d) Deny the issuance of a license and inform the chief of  
19 police.

20 (6) Upon being informed that the commission has denied  
21 issuance of a license, the chief of police shall promptly inform  
22 the individual whose licensure was denied.

23 (7) An individual denied a license under this section shall  
24 not exercise the law enforcement authority described in the oath of  
25 office. This subsection does not divest the individual of that  
26 authority until the individual has been informed that his or her  
27 license was denied.

28 (8) A chief of police who has administered an oath of office  
29 to an individual under this section shall do all of the following,

1 with respect to that individual:

2 (a) Report to the commission all personnel transactions  
3 affecting employment status in a manner prescribed in rules  
4 promulgated by the commission.

5 (b) Report to the commission concerning any action taken by  
6 the chief of police that removes the authority conferred by the  
7 oath of office, or that restores the individual's authority to that  
8 conferred by the oath of office, in a manner prescribed in rules  
9 promulgated by the commission.

10 (c) Maintain an employment history record.

11 (d) Collect, verify, and maintain documentation establishing  
12 that the individual complies with the applicable licensing  
13 standards.

14 (9) An individual licensed under this section shall report ~~all~~  
15 **both** of the following to the commission:

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

20 (b) Imposition of a personal protection order against that  
21 individual after a judicial hearing under section 2950 or 2950a of  
22 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
23 600.2950a, or under the laws of any other jurisdiction, upon being  
24 informed of the imposition of such an order, in a manner prescribed  
25 in rules promulgated by the commission.

26 (10) A license issued under this section is rendered lapsed,  
27 without barring further licensure under this act, if 1 or both of  
28 the following occur:

29 (a) The individual is no longer employed as a fire arson

1 investigator from a fire department within a village, city,  
2 township, or county in this state, who is sworn and fully empowered  
3 by the chief of police of that village, city, township, or county,  
4 rendering the license lapsed.

5 (b) The individual is subjected to a removal of the authority  
6 conferred by the oath of office, rendering the license lapsed.

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

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

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

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

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

1 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
2 300, MCL 257.625, if the individual has a prior conviction, as that  
3 term is defined in section 625(25)(b) of the Michigan vehicle code,  
4 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
5 adjudication as described in section 625(9)(b) of the Michigan  
6 vehicle code, 1949 PA 300, MCL 257.625.

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

9 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
10 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
11 and 750.411h.

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

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

18 (b) A hearing for license revocation must be conducted as a  
19 contested case under the administrative procedures act of 1969,  
20 1969 PA 306, MCL 24.201 to 24.328.

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

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

29 (e) If the commission issues a final decision or order to

1 revoke a license, that decision or order is subject to judicial  
2 review as provided in the administrative procedures act of 1969,  
3 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
4 in this section is not a final decision or order for purposes of  
5 judicial review.

6 (13) An individual licensed under this section shall not  
7 exercise the law enforcement authority described in the oath of  
8 office if any of the following occur:

9 (a) The individual's license is rendered void by a court order  
10 or other operation of law.

11 (b) The individual's license is revoked.

12 (c) The individual's license is rendered lapsed.

13 Sec. 9d. (1) This section applies only to individuals who meet  
14 all of the following conditions:

15 (a) Are employed as private college security officers under  
16 section 37 of the private security business and security alarm act,  
17 1968 PA 330, MCL 338.1087.

18 (b) Seek licensure under this act.

19 (c) Are sworn and fully empowered by a chief of police of a  
20 village, city, or township law enforcement agency, or are deputized  
21 by a county sheriff as a deputy sheriff, excluding deputation as a  
22 special deputy.

23 (2) The authority to enforce the laws of this state of private  
24 college security officers to whom this section applies is subject  
25 to the licensing requirements and procedures of this section and  
26 section 9e. An individual who seeks admission to a preservice  
27 college basic law enforcement training academy or a regional basic  
28 law enforcement training academy or the recognition of prior basic  
29 law enforcement training and experience program for purposes of

1 licensure under this section shall submit to fingerprinting as  
2 provided in section 11(3).

3 (3) The commission shall promulgate rules governing licensing  
4 standards and procedures, pertaining to the following:

5 (a) Subject to section 9e, training requirements that may be  
6 met by completing either of the following:

7 (i) Preenrollment requirements, courses of study, attendance  
8 requirements, and instructional hours at an agency basic law  
9 enforcement training academy, a preservice college basic law  
10 enforcement training academy, or a regional basic law enforcement  
11 training academy.

12 (ii) The recognition of prior basic law enforcement training  
13 and experience program for granting a waiver from the licensing  
14 standard specified in subparagraph (i).

15 (b) Proficiency on a licensing examination administered after  
16 compliance with the licensing standard specified in subdivision  
17 (a).

18 (c) Physical ability, **except that a rule promulgated under**  
19 **this subdivision must not require that an individual possess normal**  
20 **color vision without the assistance of color-enhancing lenses to be**  
21 **licensed as a law enforcement officer under this section.**

22 (d) Psychological fitness.

23 (e) Education.

24 (f) Reading and writing proficiency.

25 (g) Minimum age.

26 (h) Whether or not a valid operator's or chauffeur's license  
27 is required for licensure.

28 (i) Character fitness, as determined by a background  
29 investigation supported by a written authorization and release

1 executed by the individual for whom licensure is sought.

2 (j) Whether or not United States citizenship is required for  
3 licensure.

4 (k) Employment as a private college security officer as  
5 defined in section 37 of the private security business and security  
6 alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully  
7 empowered by the chief of police of a village, city, or township  
8 law enforcement agency, or deputized by a county sheriff as a  
9 deputy sheriff, excluding deputation as a special deputy.

10 (l) The form and manner for execution of a written oath of  
11 office by the chief of police of a village, city, or township law  
12 enforcement agency, or by a county sheriff, and the content of the  
13 written oath conferring the authority to enforce the general  
14 criminal laws of this state.

15 (m) The ability to be licensed and employed as a law  
16 enforcement officer under this section, without a restriction  
17 otherwise imposed by law.

18 (4) The licensure process under this section must follow the  
19 following procedures:

20 (a) Before executing the oath of office, the chief of police  
21 of a village, city, or township law enforcement agency or the  
22 county sheriff shall verify that the private college security  
23 officer to whom the oath is administered complies with the  
24 licensing standards.

25 (b) The chief of police of a village, city, or township law  
26 enforcement agency or the county sheriff shall execute an oath of  
27 office authorizing the private college security officer to enforce  
28 the general criminal laws of this state.

29 (c) Not more than 10 calendar days after executing the oath of

1 office, the chief of police of a village, city, or township law  
2 enforcement agency or the county sheriff shall attest in writing to  
3 the commission that the private college security officer to whom  
4 the oath was administered satisfies the licensing standards by  
5 submitting an executed affidavit and a copy of the executed oath of  
6 office.

7 (5) If upon reviewing the executed affidavit and oath of  
8 office the commission determines that the private college security  
9 officer complies with the licensing standards, the commission shall  
10 grant the private college security officer a license.

11 (6) If upon reviewing the executed affidavit and oath of  
12 office the commission determines that the private college security  
13 officer does not comply with the licensing standards, the  
14 commission may do any of the following:

15 (a) Supervise remediation of errors or omissions in the  
16 affidavit or oath of office.

17 (b) Supervise the remediation of errors or omissions in the  
18 screening, procedures, examinations, testing, and other means used  
19 to verify compliance with the licensing standards.

20 (c) Supervise additional screening, procedures, examinations,  
21 testing, and other means used to determine compliance with the  
22 licensing standards.

23 (d) Deny the issuance of a license and inform the chief of  
24 police of a village, city, or township law enforcement agency or  
25 the county sheriff of the denial.

26 (7) Upon being informed that the commission has denied  
27 issuance of a license, the chief of police of a village, city, or  
28 township law enforcement agency or the county sheriff shall  
29 promptly inform the private college security officer seeking

1 licensure that he or she has been denied issuance of a license  
2 under this section.

3 (8) A private college security officer denied a license under  
4 this section may not exercise the law enforcement authority  
5 described in the oath of office. This subsection does not divest  
6 the private college security officer of that authority until the  
7 private college security officer has been informed that his or her  
8 licensure was denied.

9 (9) A chief of police of a village, city, or township law  
10 enforcement agency or a county sheriff who has administered an oath  
11 of office to a private college security officer under this section  
12 shall, with respect to that private college security officer, do  
13 all of the following:

14 (a) Report to the commission concerning all personnel  
15 transactions affecting employment status, in a manner prescribed in  
16 rules promulgated by the commission.

17 (b) Report to the commission concerning any action taken by  
18 the chief of police of a village, city, or township law enforcement  
19 agency or the county sheriff that removes the authority conferred  
20 by the oath of office or that restores the private college security  
21 officer's authority conferred by the oath of office, in a manner  
22 prescribed in rules promulgated by the commission.

23 (c) Maintain an employment history record.

24 (d) Collect, verify, and maintain documentation establishing  
25 that the private college security officer complies with the  
26 applicable licensing standards.

27 (10) If a private college or university appoints an individual  
28 as a private college security officer under section 37 of the  
29 private security business and security alarm act, 1968 PA 330, MCL

1 338.1087, and the private college security officer is licensed  
2 under this section, the private college or university, with respect  
3 to the private college security officer, shall do ~~all~~**both** of the  
4 following:

5 (a) Report to the commission all personnel transactions  
6 affecting employment status in a manner prescribed in rules  
7 promulgated by the commission.

8 (b) Report to the chief of police of a village, city, or  
9 township law enforcement agency or the county sheriff who  
10 administered the oath of office to that private college security  
11 officer all personnel transactions affecting employment status, in  
12 a manner prescribed in rules promulgated by the commission.

13 (11) A private college security officer licensed under this  
14 section shall report ~~all~~**both** of the following to the commission:

15 (a) Criminal charges for offenses for which the private  
16 college security officer's license may be revoked as described in  
17 this section upon being informed of such charges and in a manner  
18 prescribed in rules promulgated by the commission.

19 (b) The imposition of a personal protection order against the  
20 private college security officer after a judicial hearing under  
21 section 2950 or 2950a of the revised judicature act of 1961, 1961  
22 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other  
23 jurisdiction, upon being informed of the imposition of such an  
24 order, in a manner prescribed in rules promulgated by the  
25 commission.

26 (12) A license granted under this section is rendered lapsed,  
27 without barring further licensure under this act, if 1 or both of  
28 the following occur:

29 (a) The private college security officer is no longer employed

1 as a private college security officer appointed under section 37 of  
2 the private security business and security alarm act, 1968 PA 330,  
3 MCL 338.1087, who is sworn and fully empowered by the chief of  
4 police of a village, city, or township law enforcement agency, or  
5 deputized by a county sheriff as a deputy sheriff, excluding  
6 deputation as a special deputy, rendering the license lapsed.

7 (b) The private college security officer is subjected to a  
8 removal of the authority conferred by the oath of office, rendering  
9 the license lapsed.

10 (13) The commission shall revoke a license granted under this  
11 section for any of the following and shall promulgate rules  
12 governing these revocations:

13 (a) The private college security officer obtained the license  
14 by making a materially false oral or written statement or  
15 committing fraud in the affidavit, disclosure, or application to a  
16 law enforcement training academy, the commission, or a law  
17 enforcement agency at any stage of recruitment, selection,  
18 appointment, enrollment, training, or licensure application.

19 (b) The private college security officer obtained the license  
20 because another person made a materially false oral or written  
21 statement or committed fraud in the affidavit, disclosure, or  
22 application to a law enforcement training academy, the commission,  
23 or a law enforcement agency at any stage of recruitment, selection,  
24 appointment, enrollment, training, or licensure application.

25 (c) The private college security officer has been subjected to  
26 an adjudication of guilt for a violation or attempted violation of  
27 a penal law of this state or another jurisdiction that is  
28 punishable by imprisonment for more than 1 year.

29 (d) The private college security officer has been subjected to

1 an adjudication of guilt for a violation or attempted violation of  
 2 1 or more of the following penal laws of this state or another  
 3 jurisdiction substantially corresponding to the penal laws of this  
 4 state:

5 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
 6 300, MCL 257.625, if the individual has a prior conviction, as that  
 7 term is defined in section 625(25)(b) of the Michigan vehicle code,  
 8 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
 9 adjudication as described in section 625(9)(b) of the Michigan  
 10 vehicle code, 1949 PA 300, MCL 257.625.

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

13 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
 14 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
 15 and 750.411h.

16 (14) The following procedures and requirements apply to  
 17 license revocation under this section:

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

23 (b) A hearing for license revocation must be conducted as a  
 24 contested case under the administrative procedures act of 1969,  
 25 1969 PA 306, MCL 24.201 to 24.328.

26 (c) In lieu of participating in a contested case, a private  
 27 ~~security~~-college **security** officer may voluntarily and permanently  
 28 relinquish his or her law enforcement officer license under this  
 29 section by executing before a notary public an affidavit of license

1 relinquishment as prescribed by the commission.

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

5 (e) If the commission issues a final decision or order to  
6 revoke a license, that decision or order is subject to judicial  
7 review as provided in the administrative procedures act of 1969,  
8 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
9 in this section is not a final decision or order for purposes of  
10 judicial review.

11 (15) A private college security officer licensed under this  
12 section shall not exercise the law enforcement authority described  
13 in the oath of office he or she executed if any of the following  
14 occur:

15 (a) The private college security officer's license is rendered  
16 void by a court order or other operation of law.

17 (b) The private college security officer's license is revoked.

18 (c) The private college security officer's license is rendered  
19 lapsed.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.