

# HOUSE BILL No. 4344

(As amended September 26, 2013)

February 28, 2013, Introduced by Reps. Stallworth, Talabi, Rutledge, Kosowski, Yanez, Stanley, Tlaib, Greimel and Durhal and referred to the Committee on Local Government.

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 2004 PA 379.

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

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~~ **ANY**>> 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

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1 employed as a law enforcement officer before January 1, 1977 and  
 2 that the person is authorized under this act to be employed as a  
 3 law enforcement officer.

**<< (iii) A DETERMINATION BY THE COMMISSION THAT A PERSON  
 SATISFIES ALL OF THE FOLLOWING CONDITIONS:**

**(A) THE PERSON IS THE CHIEF OF POLICE OF A POLICE DEPARTMENT  
 OF A CITY WITH A POPULATION OF NOT LESS THAN 600,000 ACCORDING TO  
 THE MOST RECENT DECENNIAL CENSUS.**

**(B) THE PERSON WAS EMPLOYED AS A LAW ENFORCEMENT OFFICER OF  
 ANOTHER STATE WITHIN THE PREVIOUS 12 MONTHS, AND THAT STATE  
 MAINTAINS STANDARDS SUBSTANTIALLY SIMILAR TO LAW ENFORCEMENT  
 OFFICER MINIMUM STANDARDS.>>**

4 (c) "Commission" means the commission on law enforcement  
 5 standards created in section 3.

6 (d) "Contested case" means that term as defined in section 3  
 7 of the administrative procedures act of 1969, 1969 PA 306, MCL  
 8 24.203.

9 (e) "Executive director" means the executive director of the  
 10 commission appointed under section 12.

11 (f) "Felony" means a violation of a penal law of this state or  
 12 another state that is either of the following:

13 (i) Punishable by a term of imprisonment greater than 1 year.

14 (ii) Expressly designated a felony by statute.

15 (g) "Fund" means the law enforcement officers training fund  
 16 created in section 13.

17 (h) "Law enforcement officer minimum standards" means  
 18 standards established by the commission under this act that a  
 19 person must meet to be eligible for certification under section  
 20 9a(1).

21 (i) "Law enforcement officer of a Michigan Indian tribal  
 22 police force" means a regularly employed member of a police force  
 23 of a Michigan Indian tribe who ~~is~~ ~~WAS~~ appointed ~~pursuant to~~ ~~UNDER~~  
 24 former 25 CFR 12.100 to 12.103.

25 (j) "Michigan Indian tribe" means a federally recognized  
 26 Indian tribe that has trust lands located within this state.

27 (k) "Multicounty metropolitan district" means an entity

1 authorized and established pursuant to ~~BY~~ state law by 2 or more  
2 counties with a combined population of not less than 3,000,000, for  
3 the purpose of cooperative planning, promoting, acquiring,  
4 constructing, owning, developing, maintaining, or operating parks.

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

7 (i) A regularly employed member of a law enforcement agency  
8 authorized and established pursuant to ~~BY~~ law, including common  
9 law, who is responsible for the prevention and detection of crime  
10 and the enforcement of the general criminal laws of this state.  
11 Police officer or law enforcement officer does not include a person  
12 serving solely because he or she occupies any other office or  
13 position.

14 (ii) A law enforcement officer of a Michigan Indian tribal  
15 police force, subject to the limitations set forth in section  
16 ~~9(3)-9(7)~~.

17 (iii) The sergeant at arms or any assistant sergeant at arms of  
18 either house of the legislature who is commissioned as a police  
19 officer by that respective house of the legislature as provided by  
20 the legislative sergeant at arms police powers act, 2001 PA 185,  
21 MCL 4.381 to 4.382.

22 (iv) A law enforcement officer of a multicounty metropolitan  
23 district, subject to the limitations of section ~~9(7)-9(8)~~.

24 (v) A county prosecuting attorney's investigator sworn and  
25 fully empowered by the sheriff of that county.

26 ~~—(vi) Until December 31, 2007, a law enforcement officer of a~~  
27 ~~school district in this state that has a membership of at least~~

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1 ~~20,000 pupils and that includes in its territory a city with a~~  
2 ~~population of at least 180,000 as of the most recent federal~~  
3 ~~decennial census.~~

4 (vi) ~~(vii)~~—A fire arson investigator from a fire department  
5 within a [~~city with a population of not less than 750,000~~ **VILLAGE,**  
6 **CITY, TOWNSHIP, OR COUNTY**]  
7 who is sworn and fully empowered by the [~~city~~] chief of police [**OF**  
8 **THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY**].

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