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**BILL ANALYSIS**

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Senate Bills 866 through 869 (as introduced 3-24-16)  
Sponsor: Senator Tonya Schuitmaker (S.B. 866 & 867)  
Senator Rick Jones (S.B. 868 & 869)  
Committee: Judiciary

Date Completed: 4-11-16

**CONTENT**

**Senate Bills 866 through 869 would amend various statutes to refer to peace officers or police officers who were licensed or certified under the Michigan Commission on Law Enforcement Standards Act, rather than those who are certified pursuant to the Commission on Law Enforcement Standards Act.**

Senate Bill 866 would amend the Natural Resources and Environmental Protection Act (NREPA). Senate Bill 867 would amend the Police Officer's and Fire Fighter's Survivor Tuition Grant Act. Senate Bill 868 would amend the Revised Judicature Act (RJA). Senate Bill 869 would amend the Michigan Penal Code.

Each of the bills is tie-barred to Senate Bill 92 and would take effect 90 days after enactment. (As passed by the Senate, Senate Bill 92 (S-7) would amend the Commission on Law Enforcement Standards Act to codify the Michigan Commission on Law Enforcement Standards (MCOLES), which was created by an Executive Reorganization Order. That legislation also would revise various law enforcement standards, and would require MCOLES to grant a license, rather than certification, to a person who meets the standards and will be employed as a law enforcement officer. In addition, Senate Bill 92 (S-7) would rename the Act as the "Michigan Commission on Law Enforcement Standards Act".)

**Senate Bill 866**

Various parts of NREPA involve the enforcement of criminal laws and contain a definition of "peace officer". The definitions include any peace officer who is trained and certified pursuant to the Commission on Law Enforcement Standards Act. The bill instead would refer to any peace officer who is trained and licensed or certified under the Michigan Commission on Law Enforcement Standards Act (the MCOLES Act).

**Senate Bill 867**

The Police Officer's and Fire Fighter's Survivor Tuition Grant Act provides for the waiver of tuition at Michigan public community colleges and universities for the surviving spouse and children of Michigan police officers and firefighters killed in the line of duty. The Act's definition of "Michigan police officer" includes a police officer or law enforcement officer trained and certified under the Commission on Law Enforcement Standards Act. The bill instead would refer to a police officer or law enforcement officer trained and licensed or certified under the MCOLES Act.

### **Senate Bill 868**

Sections 2950 and 2950a of the RJA govern petitioning for and issuance of a personal protection order (PPO) in, respectively, domestic violence and stalking situations. Under both sections, if the respondent is a person who is licensed to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer certified by the Commission on Law Enforcement Standards Act, a sheriff, a corrections officer, or a Federal law enforcement officer who carries a firearm during employment, the petitioner must notify the court of the respondent's occupation before a PPO is issued. The bill would refer to a police officer licensed or certified by the MCOLES Act, instead of a police officer certified by the Commission on Law Enforcement Standards Act.

### **Senate Bill 869**

Section 528a of the Michigan Penal Code prohibits a person from teaching or demonstrating to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if the person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder. A person also may not assemble with one or more people for the purpose of training with, practicing with, or being instructed in the use of any firearm, or any explosive or incendiary device, if the person intends to use the firearm or device in, or in furtherance of, a civil disorder. A violation of Section 528a is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000.

Section 528a does not apply to any act of a law enforcement officer that is performed in the lawful performance of his or her official duties as a law enforcement officer. As used in that section, "law enforcement officer" includes a peace officer who is trained and certified under the Commission on Law Enforcement Standards Act. The bill instead would refer to a peace officer trained and licensed or certified under the MCOLES Act.

MCL 324.11701 et al. (S.B. 866)  
390.1242 (S.B. 867)  
600.2950 & 600.2950a (S.B. 868)  
750.528a (S.B. 869)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.