

# HOUSE BILL No. 5878

September 15, 2016, Introduced by Rep. Lyons and referred to the Committee on Judiciary.

A bill to amend 1965 PA 203, entitled  
"Commission on law enforcement standards act,"  
by amending section 9 (MCL 28.609), as amended by 2005 PA 239.

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

1           Sec. 9. (1) The commission shall promulgate rules to establish  
2 law enforcement officer minimum standards. The rules do not apply  
3 to a member of a sheriff's posse or a police auxiliary temporarily  
4 performing his or her duty under the direction of the sheriff or  
5 police department. In promulgating the law enforcement officer  
6 minimum standards, the commission shall give consideration to the  
7 varying factors and special requirements of local police agencies.  
8 The law enforcement officer minimum standards shall include all of  
9 the following:

1 (a) Minimum standards of physical, educational, mental, and  
2 moral fitness that govern the recruitment, selection, appointment,  
3 and certification of law enforcement officers, **EXCEPT THAT THE**  
4 **MINIMUM STANDARDS PROMULGATED UNDER THIS SUBDIVISION SHALL NOT**  
5 **REQUIRE THAT A PERSON POSSESS NORMAL COLOR VISION WITHOUT THE**  
6 **ASSISTANCE OF COLOR-ENHANCING LENSES TO BE CERTIFIED AS A LAW**  
7 **ENFORCEMENT OFFICER.**

8 (b) Minimum courses of study, attendance requirements, and  
9 instructional hours required at approved police training schools.

10 (c) Minimum basic training requirements that a person,  
11 excluding sheriffs, shall complete before being eligible for  
12 certification under section 9a(1).

13 (2) If a person's certification under section 9a(1) becomes  
14 void under section 9a(4)(b), the commission shall waive the  
15 requirements described in subsection (1)(b) for certification of  
16 the person under section 9a(1) if 1 or more of the following apply:

17 (a) The person has been employed 1 year or less as a  
18 commission certified law enforcement officer and is again employed  
19 as a law enforcement officer within 1 year after discontinuing  
20 employment as a commission certified law enforcement officer.

21 (b) The person has been employed more than 1 year but less  
22 than 5 years as a commission certified law enforcement officer and  
23 is again employed as a law enforcement officer within 18 months  
24 after discontinuing employment as a commission certified law  
25 enforcement officer.

26 (c) The person has been employed 5 years or more as a  
27 commission certified law enforcement officer and is again employed

1 as a law enforcement officer within 2 years after discontinuing  
2 employment as a commission certified law enforcement officer.

3 (d) The person has successfully completed the mandatory  
4 training and has been continuously employed as a law enforcement  
5 officer, but through no fault of that person the employing agency  
6 failed to obtain certification for that person as required by this  
7 act.

8 (3) A commission certified law enforcement officer who is a  
9 member of any of the reserve components of the United States ~~armed~~  
10 ~~forces~~ **ARMED FORCES** and who is called to active duty in the armed  
11 forces is not considered to have discontinued his or her employment  
12 as a commission certified law enforcement officer under section  
13 9a(4)(b). The person's certification under section 9a(1) shall not  
14 become void during that term of active military service. However,  
15 the certification of a certified law enforcement officer described  
16 in this subsection may be revoked under section 9b if the officer  
17 committed an offense during the period of active duty in the armed  
18 forces that resulted in a conviction enumerated in section 9b(1).  
19 As used in this subsection, "reserve components of the United  
20 States ~~armed forces~~" **ARMED FORCES**" means that term as defined in  
21 section 2 of the military family relief fund act, 2004 PA 363, MCL  
22 35.1212. This subsection does not apply to a commission certified  
23 law enforcement officer who volunteers for a term of active  
24 military service or who voluntarily extends a term of active  
25 military service that began when he or she was called to active  
26 duty. This subsection does not apply to a commission certified law  
27 enforcement officer who is dishonorably discharged from a term of

1 active military service.

2 (4) The commission shall promulgate rules with respect to all  
3 of the following:

4 (a) The categories or classifications of advanced in-service  
5 training programs for commission certified law enforcement officers  
6 and minimum courses of study and attendance requirements for the  
7 categories or classifications.

8 (b) The establishment of subordinate regional training centers  
9 in strategic geographic locations in order to serve the greatest  
10 number of police agencies that are unable to support their own  
11 training programs.

12 (c) The commission's acceptance of certified basic police  
13 training and law enforcement experience received by a person in  
14 another state in fulfillment in whole or in part of the law  
15 enforcement officer minimum standards.

16 (d) The commission's approval of police training schools  
17 administered by a city, county, township, village, corporation,  
18 college, community college or university.

19 (e) The minimum qualifications for instructors at approved  
20 police training schools.

21 (f) The minimum facilities and equipment required at approved  
22 police training schools.

23 (g) The establishment of preservice basic training programs at  
24 colleges and universities.

25 (h) Acceptance of basic police training and law enforcement  
26 experience received by a person in fulfillment in whole or in part  
27 of the law enforcement officer minimum standards prepared and

1 published by the commission if both of the following apply:

2 (i) The person successfully completed the basic police  
3 training in another state or through a federally operated police  
4 training school that was sufficient to fulfill the minimum  
5 standards required by federal law to be appointed as a law  
6 enforcement officer of a Michigan Indian tribal police force.

7 (ii) The person is or was a law enforcement officer of a  
8 Michigan Indian tribal police force for a period of 1 year or more.

9 (5) Except as otherwise provided in this section, a regularly  
10 employed person employed on or after January 1, 1977 as a member of  
11 a police force having a full-time officer is not empowered to  
12 exercise all the authority of a peace officer in this state, or be  
13 employed in a position for which the authority of a peace officer  
14 is conferred by statute, unless the person has received  
15 certification under section 9a(1).

16 (6) A law enforcement officer employed before January 1, 1977  
17 may continue his or her employment as a law enforcement officer and  
18 participate in training programs on a voluntary or assigned basis  
19 but failure to obtain certification under section 9a(1) or (2) is  
20 not grounds for dismissal of or termination of that employment as a  
21 law enforcement officer. A person who was employed as a law  
22 enforcement officer before January 1, 1977 who fails to obtain  
23 certification under section 9a(1) and who voluntarily or  
24 involuntarily discontinues his or her employment as a law  
25 enforcement officer may be employed as a law enforcement officer if  
26 he or she was employed 5 years or more as a law enforcement officer  
27 and is again employed as a law enforcement officer within 2 years

1 after discontinuing employment as a law enforcement officer.

2 (7) A law enforcement officer of a Michigan Indian tribal  
3 police force is not empowered to exercise the authority of a peace  
4 officer under the laws of this state and shall not be employed in a  
5 position for which peace officer authority is granted under the  
6 laws of this state unless all of the following requirements are  
7 met:

8 (a) The tribal law enforcement officer is certified under this  
9 act.

10 (b) The tribal law enforcement officer is 1 of the following:

11 (i) Deputized by the sheriff of the county in which the trust  
12 lands of the Michigan Indian tribe employing the tribal law  
13 enforcement officer are located, or by the sheriff of any county  
14 that borders the trust lands of that Michigan Indian tribe,  
15 ~~pursuant to~~ **UNDER** section 70 of 1846 RS 14, MCL 51.70.

16 (ii) Appointed as a police officer of the state or a city,  
17 township, charter township, or village that is authorized by law to  
18 appoint individuals as police officers.

19 (c) The deputation or appointment of the tribal law  
20 enforcement officer described in subdivision (b) is made pursuant  
21 to a written contract that includes terms the appointing authority  
22 under subdivision (b) may require between the state or local law  
23 enforcement agency and the tribal government of the Michigan Indian  
24 tribe employing the tribal law enforcement officer.

25 (d) The written contract described in subdivision (c) is  
26 incorporated into a self-determination contract, grant agreement,  
27 or cooperative agreement between the United States secretary of the

1 interior and the tribal government of the Michigan Indian tribe  
2 employing the tribal law enforcement officer pursuant to the Indian  
3 self-determination and education assistance act, Public Law 93-638,  
4 88 Stat. 2203.

5 (8) A law enforcement officer of a multicounty metropolitan  
6 district, other than a law enforcement officer employed by a law  
7 enforcement agency created under the public body law enforcement  
8 agency act, is not empowered to exercise the authority of a peace  
9 officer under the laws of this state and shall not be employed in a  
10 position for which peace officer authority is granted under the  
11 laws of this state unless all of the following requirements are  
12 met:

13 (a) The law enforcement officer has met or exceeded minimum  
14 standards for certification under this act.

15 (b) The law enforcement officer is deputized by the sheriff or  
16 sheriffs of the county or counties in which the land of the  
17 multicounty metropolitan district employing the law enforcement  
18 officer is located and in which the law enforcement officer will  
19 work, ~~pursuant to~~ **UNDER** section 70 of 1846 RS 14, MCL 51.70.

20 (c) The deputation or appointment of the law enforcement  
21 officer is made pursuant to a written agreement that includes terms  
22 the deputizing authority under subdivision (b) may require between  
23 the state or local law enforcement agency and the governing board  
24 of the multicounty metropolitan district employing the law  
25 enforcement officer.

26 (d) The written agreement described in subdivision (c) is  
27 filed with the commission.

1           (9) A public body that creates a law enforcement agency under  
2 the public body law enforcement agency act and that employs 1 or  
3 more law enforcement officers certified under this act ~~shall be~~  
4 ~~considered to be~~ **IS** a law enforcement agency for purposes of  
5 section 9d.

6           (10) The commission may establish an evaluation or testing  
7 process, or both, for granting a waiver from the law enforcement  
8 officer minimum standards regarding training requirements to a  
9 person who has held a certificate under this act and who  
10 discontinues employment as a law enforcement officer for a period  
11 of time exceeding the time prescribed in subsection (2) (a) to (c)  
12 or (6), as applicable.