

## REINSTATEMENT OF LAPSED LAW ENFORCEMENT LICENSE

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**House Bill 5499 as introduced**  
**Sponsor: Rep. Peter J. Lucido**  
**Committee: Law and Justice**  
**Complete to 2-26-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5499 amends the Michigan Commission on Law Enforcement Standards (MCOLES) Act to provide a mechanism by which an individual whose law enforcement license issued under the Act has lapsed could have that license reinstated by an employing law enforcing agency or fire department (for a fire arson investigator) if certain conditions were met.

Currently, to be employed by a law enforcement agency or fire department as a law enforcement officer, private college security officer, or fire arson investigator, respectively, an individual must meet all of the licensing requirements and procedures of the MCOLES Act. Generally speaking, a license lapses if the individual is no longer employed in the capacity for which he or she was licensed or is subjected to a removal of the authority conferred by the oath of office, though the time frame for when a license lapses differs somewhat between the license categories.

The bill would amend several sections of the MCOLES Act to specifically state that a license that had lapsed under the Act could be reinstated and also that a reinstated license would be rendered lapsed if an individual left employment with the law enforcement agency or fire department that had reinstated the license under the bill's provisions. A section-by-section description of the changes specific to the different types of law enforcement officers impacted by the bill follows.

Section 9 applies to all law enforcement officers except for individuals elected or appointed as sheriffs, tribal officers, fire arson investigators, or private college security officers. The bill would authorize an employing law enforcement agency to reinstate a license rendered lapsed if the chief law enforcement officer of that agency provides the Commission with written certification that the law enforcement agency has a field training officer program and in-service training that the individual would be required to complete upon being hired. The completion of this training would not be considered as the training under subsection (2)(a), which requires either completion of training at a basic law enforcement training academy or completion of the Recognition of Prior Training and Experience (RPTE) Program for granting a waiver from the licensing standard specified in the Act. A license reinstated under this provision would be valid for all purposes described in the Act while the individual is employed by the law enforcement agency that reinstated the license.

**Section 9b** applies to Michigan tribal law enforcement officers licensed under the Act. The amendments are virtually the same as for law enforcement officers described above, with the exception that an employing law enforcement agency *or other governmental agency conferring authority to enforce the laws of the state upon an individual to whom Section 9b applies* could reinstate a lapsed license. The reinstated license would remain valid while employed by the law enforcement agency or other governmental agency and would be rendered lapsed if the individual left that employment.

**Section 9c** applies to fire arson investigators licensed under the Act. The bill would provide that an employing fire department within a village, city, township, or county could reinstate a lapsed license if the chief of police for that municipality provides the Commission with written certification that the individual will complete a field training officer program and in-service training upon being hired. As with the other officers described above, this training would not be considered as completing either basic law enforcement training or completion of the RPTE Program. The reinstated license would be valid while the individual is employed by the fire department that reinstated the license and would be rendered lapsed if the individual left that employment.

**Section 9d** applies to private college security officers licensed under the Act. An employing law enforcement agency could reinstate a license rendered lapsed in the same manner as for a law enforcement officer or tribal law enforcement officer. The reinstated license would be valid for all purposes described in the Act while the individual is employed by the law enforcement agency that reinstated the license, and the license would lapse if the individual left that employment.

The bill would take effect 90 days after being enacted.

MCL 28.609 et al.

#### **FISCAL IMPACT:**

This bill would likely have no fiscal impact on the Michigan Commission on Law Enforcement Standards.

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