

# HOUSE BILL No. 6317

September 5, 2018, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

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 2017 PA 198.

**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  
5 this section. An individual who seeks admission to a preservice  
6 college basic law enforcement training academy or a regional basic  
7 law enforcement training academy or the recognition of prior basic  
8 law enforcement training and experience program for purposes of  
9 licensure under this section shall submit to fingerprinting as

1 provided in section 11(3).

2 (2) The commission shall promulgate rules governing licensing  
3 standards and procedures for individuals licensed under this  
4 section. In promulgating the rules, the commission shall give  
5 consideration to the varying factors and special requirements of  
6 law enforcement agencies. Rules promulgated under this subsection  
7 ~~shall~~**MUST** pertain to the following:

8 (a) Training requirements that may be met by completing either  
9 of the following:

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

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

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

21 (c) Physical ability, **EXCEPT THAT A RULE PROMULGATED UNDER**  
22 **THIS SUBDIVISION MUST NOT REQUIRE THAT AN INDIVIDUAL POSSESS NORMAL**  
23 **COLOR VISION WITHOUT THE ASSISTANCE OF COLOR-ENHANCING LENSES TO BE**  
24 **LICENSED AS A LAW ENFORCEMENT OFFICER UNDER THIS SECTION.**

25 (d) Psychological fitness.

26 (e) Education.

27 (f) Reading and writing proficiency.

1 (g) Minimum age.

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

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

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

9 (k) Employment as a law enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

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

27 (7) An individual denied a license under this section shall

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

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

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

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

16 (c) Maintain an employment history record.

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

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

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

25 (b) The imposition of a personal protection order against that  
26 individual after a judicial hearing under section 2950 or 2950a of  
27 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and

1 600.2950a, or under the laws of any other jurisdiction, upon being  
2 informed of the imposition of such an order, in a manner prescribed  
3 in rules promulgated by the commission.

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

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

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

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

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

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

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

1 described in subsection (2) (a) to (g).

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

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

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

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

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

17 (d) 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 2 years.

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

24 (a) The individual obtained the license by making a materially  
25 false oral or written statement or committing fraud in an  
26 affidavit, disclosure, or application to a law enforcement training  
27 academy, the commission, or a law enforcement agency at any stage

1 of recruitment, selection, appointment, enrollment, training, or  
2 licensure application.

3 (b) The individual obtained the license because another  
4 individual made a materially false oral or written statement or  
5 committed fraud in an affidavit, disclosure, or application to a  
6 law enforcement training academy, the commission, or a law  
7 enforcement agency at any stage of recruitment, selection,  
8 appointment, enrollment, training, or licensure application.

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

13 (d) The individual has been subjected to an adjudication of  
14 guilt for violation or attempted violation of 1 or more of the  
15 following penal laws of this state or laws of another jurisdiction  
16 substantially corresponding to the penal laws of this state:

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

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

25 (iii) Section 81(4) or 81a or a misdemeanor violation of  
26 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,  
27 750.81a, and 750.411h.



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

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

7 (b) A hearing for license revocation must be conducted as a  
8 contested case under the administrative procedures act of 1969,  
9 1969 PA 306, MCL 24.201 to 24.328.

10 (c) In lieu of participating in a contested case, an  
11 individual may voluntarily and permanently relinquish his or her  
12 law enforcement officer license by executing before a notary public  
13 an affidavit of license relinquishment prescribed by the  
14 commission.

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

18 (e) If the commission issues a final decision or order to  
19 revoke a license, that decision or order is subject to judicial  
20 review as provided in the administrative procedures act of 1969,  
21 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
22 in this section is not a final decision or order for purposes of  
23 judicial review.

24 (14) An individual licensed under this section shall not  
25 exercise the law enforcement authority described in the laws of  
26 this state under which the individual is employed if any of the  
27 following occur:

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

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

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

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

6 Sec. 9b. (1) This section applies only to individuals who are  
7 employed as Michigan tribal law enforcement officers in this state  
8 and are subject to a written instrument authorizing them to enforce  
9 the laws of this state. Conferring authority to enforce the laws of  
10 this state to law enforcement officers to whom this section applies  
11 is subject to the licensing requirements and procedures of this  
12 section. An individual who seeks admission to a preservice college  
13 basic law enforcement training academy or a regional basic law  
14 enforcement training academy or the recognition of prior basic law  
15 enforcement training and experience program for purposes of  
16 licensure under this section shall submit to fingerprinting as  
17 provided in section 11(3).

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

20 (a) Training requirements that may be met by completing either  
21 of the following:

22 (i) Preenrollment requirements, courses of study, attendance  
23 requirements, and instructional hours at an agency basic law  
24 enforcement training academy, a preservice college basic law  
25 enforcement training academy, or a regional basic law enforcement  
26 training academy.

27 (ii) The recognition of prior basic law enforcement training

1 and experience program for granting a waiver from the licensing  
2 standard specified in subparagraph (i).

3 (b) Proficiency on a licensing examination administered after  
4 compliance with the licensing standard specified in subdivision  
5 (a).

6 (c) Physical ability, **EXCEPT THAT A RULE PROMULGATED UNDER**  
7 **THIS SUBDIVISION MUST NOT REQUIRE THAT AN INDIVIDUAL POSSESS NORMAL**  
8 **COLOR VISION WITHOUT THE ASSISTANCE OF COLOR-ENHANCING LENSES TO BE**  
9 **LICENSED AS A LAW ENFORCEMENT OFFICER UNDER THIS SECTION.**

10 (d) Psychological fitness.

11 (e) Education.

12 (f) Reading and writing proficiency.

13 (g) Minimum age.

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

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

19 (j) Whether or not United States citizenship is required for  
20 licensure.

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

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

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

27 (ii) Appointment as a law enforcement officer by a law

1 enforcement agency, conferring authority upon the individual to  
2 enforce the laws of this state.

3 (iii) Execution of a written agreement between the Michigan  
4 tribal law enforcement agency with whom the individual is employed  
5 and a law enforcement agency, conferring authority upon the  
6 individual to enforce the laws of this state.

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

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

13 (3) The licensure process under this section must follow the  
14 following procedures:

15 (a) A law enforcement agency or other governmental agency  
16 conferring authority upon a Michigan tribal law enforcement officer  
17 as provided in this section shall confer the authority to enforce  
18 the laws of this state by executing a written instrument as  
19 provided in this section.

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

23 (c) Not more than 10 calendar days after the effective date of  
24 the written instrument, the law enforcement agency or other  
25 governmental agency executing the written instrument shall attest  
26 in writing to the commission that the individual to whom the  
27 authority was conferred satisfies the licensing standards, by

1 submitting an executed affidavit and a copy of the written  
2 instrument.

3 (4) If, upon reviewing the executed affidavit and the written  
4 instrument, the commission determines that the individual complies  
5 with the licensing standards, the commission shall grant the  
6 individual a license.

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

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

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

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

19 (d) Deny the issuance of a license and inform the law  
20 enforcement agency or other governmental agency conferring  
21 authority to enforce the laws of this state upon an individual to  
22 whom this section applies.

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

1           (7) An individual denied a license under this section shall  
2 not exercise the law enforcement authority described in a written  
3 instrument conferring authority upon the individual to enforce the  
4 laws of this state. This subsection does not divest the individual  
5 of that authority until the individual has been informed that his  
6 or her license was denied.

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

10           (a) A requirement that the employing Michigan tribal law  
11 enforcement agency report to the commission all personnel  
12 transactions affecting employment status in a manner prescribed in  
13 rules promulgated by the commission.

14           (b) A requirement that the employing Michigan tribal law  
15 enforcement agency report to the commission concerning any action  
16 it takes that removes the authority conferred by the written  
17 instrument conferring authority upon the individual to enforce the  
18 laws of this state or that restores the individual's authority to  
19 that conferred by the written instrument, in a manner prescribed in  
20 rules promulgated by the commission.

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

23           (d) A requirement that the employing Michigan tribal law  
24 enforcement agency collect, verify, and maintain documentation  
25 establishing that the individual complies with the applicable  
26 licensing standards.

27           (9) A written instrument conferring authority to enforce the

1 laws of this state upon an individual to whom this section applies  
2 must include a requirement that the employing Michigan tribal law  
3 enforcement agency report the following regarding an individual  
4 licensed under this section:

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

9 (b) The imposition of a personal protection order against that  
10 individual after a judicial hearing under section 2950 or 2950a of  
11 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
12 600.2950a, or under the laws of any other jurisdiction, upon being  
13 informed of the imposition of such an order, in a manner prescribed  
14 in rules promulgated by the commission.

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

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

19 (i) An individual, having been employed as a law enforcement  
20 officer in aggregate for less than 2,080 hours, is thereafter  
21 continuously not employed as a law enforcement officer for less  
22 than 1 year.

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

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

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

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

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

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

22           (a) An individual, having been employed as a law enforcement  
23 officer in aggregate for less than 2,080 hours, is thereafter  
24 continuously not employed as a law enforcement officer for 1 year.

25           (b) An individual, having been employed as a law enforcement  
26 officer in aggregate for less than 2,080 hours, is thereafter  
27 continuously subjected to a removal of the authority conferred by



1 the written instrument authorizing the individual to enforce the  
2 laws of this state for 1 year.

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

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

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

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

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

26 (c) The individual has been subjected to an adjudication of  
27 guilt for a violation or attempted violation of a penal law of this

1 state or another jurisdiction that is punishable by imprisonment  
2 for more than 1 year.

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

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

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

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

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

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

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

27 (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

1 enforce the laws of this state to law enforcement officers to whom  
2 this section applies is subject to the licensing requirements and  
3 procedures of this section. An individual who seeks admission to a  
4 preservice college basic law enforcement training academy or a  
5 regional basic law enforcement training academy or the recognition  
6 of prior basic law enforcement training and experience program for  
7 purposes of licensure under this section shall submit to  
8 fingerprinting as provided in section 11(3).

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

11 (a) Training requirements that may be met by completing either  
12 of the following:

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

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

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

24 (c) Physical ability, **EXCEPT THAT A RULE PROMULGATED UNDER**  
25 **THIS SUBDIVISION MUST NOT REQUIRE THAT AN INDIVIDUAL POSSESS NORMAL**  
26 **COLOR VISION WITHOUT THE ASSISTANCE OF COLOR-ENHANCING LENSES TO BE**  
27 **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 fire arson investigator from a fire  
13 department within a village, city, township, or county in this  
14 state, who is sworn and fully empowered by the chief of police of  
15 that village, city, township, or county.

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

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

23 (3) The licensure process under this section must follow the  
24 following procedures:

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

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

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

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

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

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

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

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

24 (d) Deny the issuance of a license and inform the chief of  
25 police.

26 (6) Upon being informed that the commission has denied  
27 issuance of a license, the chief of police shall promptly inform

1 the individual whose licensure was denied.

2 (7) An individual denied a license under this section shall  
3 not exercise the law enforcement authority described in the oath of  
4 office. This subsection does not divest the individual of that  
5 authority until the individual has been informed that his or her  
6 license was denied.

7 (8) A chief of police who has administered an oath of office  
8 to an individual under this section shall do all of the following,  
9 with respect to that individual:

10 (a) Report to the commission all personnel transactions  
11 affecting employment status in a manner prescribed in rules  
12 promulgated by the commission.

13 (b) Report to the commission concerning any action taken by  
14 the chief of police that removes the authority conferred by the  
15 oath of office, or that restores the individual's authority to that  
16 conferred by the oath of office, in a manner prescribed in rules  
17 promulgated by the commission.

18 (c) Maintain an employment history record.

19 (d) Collect, verify, and maintain documentation establishing  
20 that the individual complies with the applicable licensing  
21 standards.

22 (9) An individual licensed under this section shall report ~~all~~  
23 **BOTH** of the following to the commission:

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

1 (b) Imposition of a personal protection order against that  
2 individual after a judicial hearing under section 2950 or 2950a of  
3 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
4 600.2950a, or under the laws of any other jurisdiction, upon being  
5 informed of the imposition of such an order, in a manner prescribed  
6 in rules promulgated by the commission.

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

10 (a) The individual is no longer employed as a fire arson  
11 investigator from a fire department within a village, city,  
12 township, or county in this state, who is sworn and fully empowered  
13 by the chief of police of that village, city, township, or county,  
14 rendering the license lapsed.

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

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

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

26 (b) The individual obtained the license because another  
27 individual made a materially false oral or written statement or



1 committed fraud in an affidavit, disclosure, or application to a  
2 law enforcement training academy, the commission, or a law  
3 enforcement agency at any stage of recruitment, selection,  
4 appointment, enrollment, training, or licensure application.

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

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

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

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

21 (iii) Section 81(4) or 81a or a misdemeanor violation of  
22 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,  
23 750.81a, and 750.411h.

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

26 (a) The commission shall initiate license revocation  
27 proceedings, including, but not limited to, issuance of an order of

1 summary suspension and notice of intent to revoke, upon obtaining  
2 notice of facts warranting license revocation.

3 (b) A hearing for license revocation must be conducted as a  
4 contested case under the administrative procedures act of 1969,  
5 1969 PA 306, MCL 24.201 to 24.328.

6 (c) In lieu of participating in a contested case, an  
7 individual may voluntarily and permanently relinquish his or her  
8 law enforcement officer license by executing before a notary public  
9 an affidavit of license relinquishment prescribed by the  
10 commission.

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

14 (e) If the commission issues a final decision or order to  
15 revoke a license, that decision or order is subject to judicial  
16 review as provided in the administrative procedures act of 1969,  
17 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
18 in this section is not a final decision or order for purposes of  
19 judicial review.

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

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

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

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

27 Sec. 9d. (1) This section applies only to individuals who meet

1 all of the following conditions:

2 (a) Are employed as private college security officers under  
3 section 37 of the private security business and security alarm act,  
4 1968 PA 330, MCL 338.1087.

5 (b) Seek licensure under this act.

6 (c) Are sworn and fully empowered by a chief of police of a  
7 village, city, or township law enforcement agency, or are deputized  
8 by a county sheriff as a deputy sheriff, excluding deputation as a  
9 special deputy.

10 (2) The authority to enforce the laws of this state of private  
11 college security officers to whom this section applies is subject  
12 to the licensing requirements and procedures of this section. An  
13 individual who seeks admission to a preservice college basic law  
14 enforcement training academy or a regional basic law enforcement  
15 training academy or the recognition of prior basic law enforcement  
16 training and experience program for purposes of licensure under  
17 this section shall submit to fingerprinting as provided in section  
18 11(3).

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

21 (a) Training requirements that may be met by completing either  
22 of the following:

23 (i) Preenrollment requirements, courses of study, attendance  
24 requirements, and instructional hours at an agency basic law  
25 enforcement training academy, a preservice college basic law  
26 enforcement training academy, or a regional basic law enforcement  
27 training academy.

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

4           (b) Proficiency on a licensing examination administered after  
5 compliance with the licensing standard specified in subdivision  
6 (a).

7           (c) Physical ability, **EXCEPT THAT A RULE PROMULGATED UNDER**  
8 **THIS SUBDIVISION MUST NOT REQUIRE THAT AN INDIVIDUAL POSSESS NORMAL**  
9 **COLOR VISION WITHOUT THE ASSISTANCE OF COLOR-ENHANCING LENSES TO BE**  
10 **LICENSED AS A LAW ENFORCEMENT OFFICER UNDER THIS SECTION.**

11           (d) Psychological fitness.

12           (e) Education.

13           (f) Reading and writing proficiency.

14           (g) Minimum age.

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

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

20           (j) Whether or not United States citizenship is required for  
21 licensure.

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

1           (l) The form and manner for execution of a written oath of  
2 office by the chief of police of a village, city, or township law  
3 enforcement agency, or by a county sheriff, and the content of the  
4 written oath conferring the authority to enforce the general  
5 criminal laws of this state.

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

9           (4) The licensure process under this section must follow the  
10 following procedures:

11           (a) Before executing the oath of office, the chief of police  
12 of a village, city, or township law enforcement agency or the  
13 county sheriff shall verify that the private college security  
14 officer to whom the oath is administered complies with the  
15 licensing standards.

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

20           (c) Not more than 10 calendar days after executing the oath of  
21 office, the chief of police of a village, city, or township law  
22 enforcement agency or the county sheriff shall attest in writing to  
23 the commission that the private college security officer to whom  
24 the oath was administered satisfies the licensing standards by  
25 submitting an executed affidavit and a copy of the executed oath of  
26 office.

27           (5) If upon reviewing the executed affidavit and oath of

1 office the commission determines that the private college security  
2 officer complies with the licensing standards, the commission shall  
3 grant the private college security officer a license.

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

8 (a) Supervise remediation of errors or omissions in the  
9 affidavit or oath of office.

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

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

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

19 (7) Upon being informed that the commission has denied  
20 issuance of a license, the chief of police of a village, city, or  
21 township law enforcement agency or the county sheriff shall  
22 promptly inform the private college security officer seeking  
23 licensure that he or she has been denied issuance of a license  
24 under this section.

25 (8) A private college security officer denied a license under  
26 this section may not exercise the law enforcement authority  
27 described in the oath of office. This subsection does not divest

1 the private college security officer of that authority until the  
2 private college security officer has been informed that his or her  
3 licensure was denied.

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

9 (a) Report to the commission concerning all personnel  
10 transactions affecting employment status, in a manner prescribed in  
11 rules promulgated by the commission.

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

18 (c) Maintain an employment history record.

19 (d) Collect, verify, and maintain documentation establishing  
20 that the private college security officer complies with the  
21 applicable licensing standards.

22 (10) If a private college or university appoints an individual  
23 as a private college security officer under section 37 of the  
24 private security business and security alarm act, 1968 PA 330, MCL  
25 338.1087, and the private college security officer is licensed  
26 under this section, the private college or university, with respect  
27 to the private college security officer, shall do ~~all~~ **BOTH** of the

1 following:

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

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

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

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

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

26 (a) The private college security officer is no longer employed  
27 as a private college security officer appointed under section 37 of



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

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

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

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

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

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

1 (d) The private college security officer has been subjected to  
2 an adjudication of guilt for a violation or attempted violation of  
3 1 or more of the following penal laws of this state or another  
4 jurisdiction substantially corresponding to the penal laws of this  
5 state:

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

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

14 (iii) Section 81(4) or 81a or a misdemeanor violation of  
15 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,  
16 750.81a, and 750.411h.

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

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

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

27 (c) In lieu of participating in a contested case, a private

1 ~~security~~ college **SECURITY** officer may voluntarily and permanently  
2 relinquish his or her law enforcement officer license under this  
3 section by executing before a notary public an affidavit of license  
4 relinquishment as prescribed by the 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 (15) A private college security officer licensed under this  
15 section shall not exercise the law enforcement authority described  
16 in the oath of office he or she executed if any of the following  
17 occur:

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

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

21 (c) The private college security officer's license is rendered  
22 lapsed.

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