

**SUBSTITUTE FOR
HOUSE BILL NO. 5133**

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending section 9b (MCL 28.609b), as amended by 2018 PA 552.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9b. (1) This section applies only to individuals who are
2 employed as Michigan tribal law enforcement officers in this state
3 and are subject to a written instrument authorizing them to enforce
4 the laws of this state. Conferring authority to enforce the laws of
5 this state to law enforcement officers to whom this section applies
6 is subject to the licensing requirements and procedures of this
7 section and section 9e. An individual who seeks admission to a
8 preservice college basic law enforcement training academy or a
9 regional basic law enforcement training academy or the recognition

1 of prior basic law enforcement training and experience program for
2 purposes of licensure under this section shall submit to
3 fingerprinting as provided in section 11(3).

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

6 (a) Subject to section 9e, training requirements that may be
7 met by completing either of the following:

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

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

16 (b) Proficiency on a licensing examination administered after
17 compliance with the licensing standard specified in subdivision

18 (a).

19 (c) Physical ability.

20 (d) Psychological fitness.

21 (e) Education.

22 (f) Reading and writing proficiency.

23 (g) Minimum age.

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

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

29 (j) Whether or not United States citizenship is required for

1 licensure.

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

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

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

8 (ii) Appointment as a law enforcement officer by a law
9 enforcement agency, conferring authority upon the individual to
10 enforce the laws of this state.

11 (iii) Execution of a written agreement between the Michigan
12 tribal law enforcement agency with whom the individual is employed
13 and a law enforcement agency, conferring authority upon the
14 individual to enforce the laws of this state.

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

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

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

23 (a) A law enforcement agency or other governmental agency
24 conferring authority upon a Michigan tribal law enforcement officer
25 as provided in this section shall confer the authority to enforce
26 the laws of this state by executing a written instrument as
27 provided in this section.

28 (b) Before executing the written instrument, a law enforcement
29 agency or other governmental agency shall verify that the

1 individual complies with the licensing standards.

2 (c) Not more than 10 calendar days after the effective date of
3 the written instrument, the law enforcement agency or other
4 governmental agency executing the written instrument shall attest
5 in writing to the commission that the individual to whom the
6 authority was conferred satisfies the licensing standards, by
7 submitting an executed affidavit and a copy of the written
8 instrument.

9 (4) If, upon reviewing the executed affidavit and the written
10 instrument, the commission determines that the individual complies
11 with the licensing standards, the commission shall grant the
12 individual a license.

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

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

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

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

25 (d) Deny the issuance of a license and inform the law
26 enforcement agency or other governmental agency conferring
27 authority to enforce the laws of this state upon an individual to
28 whom this section applies.

29 (6) Upon being informed that the commission has denied

1 issuance of a license, a law enforcement agency or other
2 governmental agency conferring authority to enforce the laws of
3 this state upon an individual to whom this section applies shall
4 promptly inform the individual denied.

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

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

14 (a) A requirement that the employing Michigan tribal law
15 enforcement agency report to the commission all personnel
16 transactions affecting employment status in a manner prescribed in
17 rules promulgated by the commission.

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

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

27 (d) A requirement that the employing Michigan tribal law
28 enforcement agency collect, verify, and maintain documentation
29 establishing that the individual complies with the applicable

1 licensing standards.

2 (9) A written instrument conferring authority to enforce the
3 laws of this state upon an individual to whom this section applies
4 must include a requirement that the employing Michigan tribal law
5 enforcement agency report the following regarding an individual
6 licensed under this section:

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

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

17 (10) A license ~~issued under this section~~ is rendered inactive
18 **upon an individual's separation from an employing law enforcement**
19 **agency or removal of the authority conferred by the written**
20 **instrument authorizing the individual to enforce the laws of this**
21 **state**, and may be reactivated, as follows:

22 (a) A license ~~is rendered~~ **remains** inactive ~~if 1 or more of the~~
23 ~~following occur~~: **as follows**:

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

28 (ii) An individual, having been employed as a law enforcement
29 officer in aggregate for less than 2,080 hours, is thereafter

1 continuously subjected to a removal of the authority conferred by
2 the written instrument authorizing the individual to enforce the
3 laws of this state for less than 1 year.

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

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

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

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

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

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

28 (b) An individual, having been employed as a law enforcement
29 officer in aggregate for less than 2,080 hours, is thereafter

1 continuously subjected to a removal of the authority conferred by
2 the written instrument authorizing the individual to enforce the
3 laws of this state for 1 year.

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

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

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

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

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

27 (c) The individual has been subjected to an adjudication of
28 guilt for a violation or attempted violation of a penal law of this
29 state or another jurisdiction that is punishable by imprisonment

1 for more than 1 year.

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

6 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA
7 300, MCL 257.625, if the individual has a prior conviction, as that
8 term is defined in section 625(25)(b) of the Michigan vehicle code,
9 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 section
15 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
16 and 750.411h.

17 (13) 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 of summary suspension and notice of intent to revoke, upon
22 obtaining notice of facts warranting license revocation.

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

26 (c) In lieu of participating in a contested case, an
27 individual may voluntarily and permanently relinquish his or her
28 law enforcement officer license by executing before a notary public
29 an affidavit of license relinquishment prescribed by the

1 commission.

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

5 (e) If the commission issues a final decision or order to
6 revoke a license, that decision or order is subject to judicial
7 review as provided in the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described
9 in this section is not a final decision or order for purposes of
10 judicial review.

11 (14) An individual licensed under this section shall not
12 exercise the law enforcement authority described in a written
13 instrument conferring authority upon the individual to enforce the
14 laws of this state if any of the following occur:

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

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

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

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

20 Enacting section 1. This amendatory act does not take effect
21 unless House Bill No. 5132 of the 101st Legislature is enacted into
22 law.