

# HOUSE BILL NO. 5036

September 26, 2023, Introduced by Reps. Rigas, Carra, Maddock, DeBoyer, Fox, DeSana, Smit, Outman, Hoadley, Cavitt, BeGole, Jaime Greene, Johnsen, Aragona, Schmaltz, Harris, Kunse, Borton, Steele, Bruck, Friske, Markkanen, Meerman, Alexander, Bierlein, Prestin, Roth, Schriver, Beson, Paquette, Posthumus and DeBoer and referred to the Committee on Government Operations.

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 2018 PA 552.

## **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

1 this section and section 9e. An individual who seeks admission to a  
2 preservice college basic law enforcement training academy or a  
3 regional basic law enforcement training academy or the recognition  
4 of prior basic law enforcement training and experience program for  
5 purposes of licensure under this section shall submit to  
6 fingerprinting as provided in section 11(3).

7 (2) The commission shall promulgate rules governing licensing  
8 standards and procedures for individuals licensed under this  
9 section. In promulgating the rules, the commission shall give  
10 consideration to the varying factors and special requirements of  
11 law enforcement agencies. Rules promulgated under this subsection  
12 must pertain to the following:

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

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

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

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

26 (c) Physical ability, **except that a rule promulgated under**  
27 **this subdivision must not require that an individual possess normal**  
28 **color vision without the assistance of color-enhancing lenses to be**  
29 **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 law enforcement officer.

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

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) Before executing the oath of office, an employing law  
24 enforcement agency verifies that the individual to whom the oath is  
25 to be administered complies with licensing standards.

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

1 office.

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

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

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

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

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

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

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

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

28 (7) An individual denied a license under this section shall  
29 not exercise the law enforcement authority described in the laws of

1 this state under which the individual is employed. This subsection  
2 does not divest the individual of that authority until the  
3 individual has been informed that ~~his or her~~ **the individual's**  
4 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  
28 600.2950a, or under the laws of any other jurisdiction, upon being  
29 informed of the imposition of such an order, in a manner prescribed

1 in rules promulgated by the commission.

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

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

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

10 (ii) 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 less than 1 year.

14 (iii) 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 less  
17 than 2 years.

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

22 (b) An employing law enforcement agency may reactivate a  
23 license rendered inactive by complying with the licensure  
24 procedures described in subsection (3), excluding verification of  
25 and attestation to compliance with the licensing standards  
26 described in subsection (2) (a) to (g).

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

29 (11) A license issued under this section is rendered lapsed,

1 without barring further licensure under this act, if 1 or more of  
2 the following occur:

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

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

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

13 (d) An individual, having been employed as a law enforcement  
14 officer for 2,080 hours or longer in aggregate, is continuously  
15 subjected to a removal of the authority conferred by the oath of  
16 office for 2 years.

17 (12) The commission shall revoke a license granted under this  
18 section for any of the following circumstances and shall promulgate  
19 rules governing 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  
28 committed fraud in an affidavit, disclosure, or application to a  
29 law enforcement training academy, the commission, or a law

1 enforcement agency at any stage of recruitment, selection,  
2 appointment, enrollment, training, or licensure application.

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

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

11 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
12 300, MCL 257.625, if the individual has a prior conviction, as that  
13 term is defined in section 625(25)(b) of the Michigan vehicle code,  
14 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
15 adjudication as described in section 625(9)(b) of the Michigan  
16 vehicle code, 1949 PA 300, MCL 257.625.

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

19 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
20 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
21 and 750.411h.

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

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

28 (b) A hearing for license revocation must be conducted as a  
29 contested case under the administrative procedures act of 1969,



1 1969 PA 306, MCL 24.201 to 24.328.

2 (c) In lieu of participating in a contested case, an  
3 individual may voluntarily and permanently relinquish ~~his or her~~  
4 **the individual's** law enforcement officer license by executing  
5 before a notary public an affidavit of license relinquishment  
6 prescribed by the commission.

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

10 (e) If the commission issues a final decision or order to  
11 revoke a license, that decision or order is subject to judicial  
12 review as provided in the administrative procedures act of 1969,  
13 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
14 in this section is not a final decision or order for purposes of  
15 judicial review.

16 (14) An individual licensed under this section shall not  
17 exercise the law enforcement authority described in the laws of  
18 this state under which the individual is employed if any of the  
19 following occur:

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

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

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

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

25 Sec. 9b. (1) This section applies only to individuals who are  
26 employed as Michigan tribal law enforcement officers in this state  
27 and are subject to a written instrument authorizing them to enforce  
28 the laws of this state. Conferring authority to enforce the laws of  
29 this state to law enforcement officers to whom this section applies

1 is subject to the licensing requirements and procedures of this  
2 section and section 9e. An individual who seeks admission to a  
3 preservice college basic law enforcement training academy or a  
4 regional basic law enforcement training academy or the recognition  
5 of prior basic law enforcement training and experience program for  
6 purposes of licensure under this section shall submit to  
7 fingerprinting as provided in section 11(3).

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

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

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

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

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

22 (a).

23 (c) Physical ability, **except that a rule promulgated under**  
24 **this subdivision must not require that an individual possess normal**  
25 **color vision without the assistance of color-enhancing lenses to be**  
26 **licensed as a law enforcement officer under this section.**

27 (d) Psychological fitness.

28 (e) Education.

29 (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 Michigan tribal law enforcement officer.

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

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

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

18 (iii) Execution of a written agreement between the Michigan  
19 tribal law enforcement agency with whom the individual is employed  
20 and a law enforcement agency, conferring authority upon the  
21 individual to enforce the laws of this state.

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

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

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

1 (a) A law enforcement agency or other governmental agency  
2 conferring authority upon a Michigan tribal law enforcement officer  
3 as provided in this section shall confer the authority to enforce  
4 the laws of this state by executing a written instrument as  
5 provided in this section.

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

9 (c) Not more than 10 calendar days after the effective date of  
10 the written instrument, the law enforcement agency or other  
11 governmental agency executing the written instrument shall attest  
12 in writing to the commission that the individual to whom the  
13 authority was conferred satisfies the licensing standards, by  
14 submitting an executed affidavit and a copy of the written  
15 instrument.

16 (4) If, upon reviewing the executed affidavit and the written  
17 instrument, the commission determines that the individual complies  
18 with the licensing standards, the commission shall grant the  
19 individual a license.

20 (5) If, upon reviewing the executed affidavit and the written  
21 instrument, the commission determines that the individual does not  
22 comply with the licensing standards, the commission may do any of  
23 the following:

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

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

29 (c) Supervise additional screening, procedures, examinations,

1 testing, and other means used to determine compliance with the  
2 licensing standards.

3 (d) Deny the issuance of a license and inform the law  
4 enforcement agency or other governmental agency conferring  
5 authority to enforce the laws of this state upon an individual to  
6 whom this section applies.

7 (6) Upon being informed that the commission has denied  
8 issuance of a license, a law enforcement agency or other  
9 governmental agency conferring authority to enforce the laws of  
10 this state upon an individual to whom this section applies shall  
11 promptly inform the individual denied.

12 (7) An individual denied a license under this section shall  
13 not exercise the law enforcement authority described in a written  
14 instrument conferring authority upon the individual to enforce the  
15 laws of this state. This subsection does not divest the individual  
16 of that authority until the individual has been informed that ~~his~~  
17 ~~or her~~ **the individual's** license was denied.

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

21 (a) A requirement that the employing Michigan tribal law  
22 enforcement agency report to the commission all personnel  
23 transactions affecting employment status in a manner prescribed in  
24 rules promulgated by the commission.

25 (b) A requirement that the employing Michigan tribal law  
26 enforcement agency report to the commission concerning any action  
27 it takes that removes the authority conferred by the written  
28 instrument conferring authority upon the individual to enforce the  
29 laws of this state or that restores the individual's authority to

1 that conferred by the written instrument, in a manner prescribed in  
2 rules promulgated by the commission.

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

5 (d) A requirement that the employing Michigan tribal law  
6 enforcement agency collect, verify, and maintain documentation  
7 establishing that the individual complies with the applicable  
8 licensing standards.

9 (9) A written instrument conferring authority to enforce the  
10 laws of this state upon an individual to whom this section applies  
11 must include a requirement that the employing Michigan tribal law  
12 enforcement agency report **both of** the following regarding an  
13 individual licensed under this section:

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

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

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

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

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

1 continuously not employed as a law enforcement officer for less  
2 than 1 year.

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

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

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

17 (b) A law enforcement agency or other governmental agency  
18 conferring authority to enforce the laws of this state upon an  
19 individual to whom this section applies may reactivate a license  
20 rendered inactive by complying with the licensure procedures  
21 described in subsection (3), excluding verification of and  
22 attestation to compliance with the licensing standards described in  
23 subsection (2)(a) to (g).

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

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

29 (a) An individual, having been employed as a law enforcement

1 officer in aggregate for less than 2,080 hours, is thereafter  
2 continuously not employed as a law enforcement officer for 1 year.

3 (b) An individual, having been employed as a law enforcement  
4 officer in aggregate for less than 2,080 hours, is thereafter  
5 continuously subjected to a removal of the authority conferred by  
6 the written instrument authorizing the individual to enforce the  
7 laws of this state for 1 year.

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

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

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

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

25 (b) The individual obtained the license because another  
26 individual made a materially false oral or written statement or  
27 committed fraud in an affidavit, disclosure, or application to a  
28 law enforcement training academy, the commission, or a law  
29 enforcement agency at any stage of recruitment, selection,



1 appointment, enrollment, training, or licensure application.

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

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

10 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
11 300, MCL 257.625, if the individual has a prior conviction, as that  
12 term is defined in section 625(25)(b) of the Michigan vehicle code,  
13 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
14 adjudication as described in section 625(9)(b) of the Michigan  
15 vehicle code, 1949 PA 300, MCL 257.625.

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

18 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
19 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
20 and 750.411h.

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

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

27 (b) A hearing for license revocation must be conducted as a  
28 contested case under the administrative procedures act of 1969,  
29 1969 PA 306, MCL 24.201 to 24.328.

1 (c) In lieu of participating in a contested case, an  
2 individual may voluntarily and permanently relinquish ~~his or her~~  
3 **the individual's** law enforcement officer license by executing  
4 before a notary public an affidavit of license relinquishment  
5 prescribed by the commission.

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

9 (e) If the commission issues a final decision or order to  
10 revoke a license, that decision or order is subject to judicial  
11 review as provided in the administrative procedures act of 1969,  
12 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
13 in this section is not a final decision or order for purposes of  
14 judicial review.

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

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

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

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

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

24 Sec. 9c. (1) This section applies only to individuals who are  
25 employed as fire arson investigators from fire departments within  
26 villages, cities, townships, or counties in this state, who are  
27 sworn and fully empowered by the chiefs of police of those  
28 villages, cities, townships, or counties. Conferring authority to  
29 enforce the laws of this state to law enforcement officers to whom

1 this section applies is subject to the licensing requirements and  
2 procedures of this section and section 9e. An individual who seeks  
3 admission to a preservice college basic law enforcement training  
4 academy or a regional basic law enforcement training academy or the  
5 recognition of prior basic law enforcement training and experience  
6 program for purposes of licensure under this section shall submit  
7 to fingerprinting as provided in section 11(3).

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

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

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

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

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

22 (a).

23 (c) Physical ability, **except that a rule promulgated under**  
24 **this subdivision must not require that an individual possess normal**  
25 **color vision without the assistance of color-enhancing lenses to be**  
26 **licensed as a law enforcement officer under this section.**

27 (d) Psychological fitness.

28 (e) Education.

29 (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 fire arson investigator from a fire  
10 department within a village, city, township, or county in this  
11 state, who is sworn and fully empowered by the chief of police of  
12 that village, city, township, or county.

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

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

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

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

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

27 (c) Not more than 10 calendar days after executing the oath of  
28 office, the chief of police shall attest in writing to the  
29 commission that the individual to whom the oath was administered

1 satisfies the licensing standards by submitting an executed  
2 affidavit and a copy of the executed oath of office.

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

7 (5) If, upon reviewing the executed affidavit and executed  
8 oath of office, the commission determines that the individual does  
9 not comply with the licensing standards, the commission may do any  
10 of 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 chief of  
20 police.

21 (6) Upon being informed that the commission has denied  
22 issuance of a license, the chief of police shall promptly inform  
23 the individual whose licensure was denied.

24 (7) An individual denied a license under this section shall  
25 not exercise the law enforcement authority described in the oath of  
26 office. This subsection does not divest the individual of that  
27 authority until the individual has been informed that ~~his or her~~  
28 **the individual's** license was denied.

29 (8) A chief of police who has administered an oath of office

1 to an individual under this section shall do all of the following,  
2 with respect to that individual:

3 (a) Report to the commission all personnel transactions  
4 affecting employment status in a manner prescribed in rules  
5 promulgated by the commission.

6 (b) Report to the commission concerning any action taken by  
7 the chief of police that removes the authority conferred by the  
8 oath of office, or that restores the individual's authority to that  
9 conferred by the oath of office, in a manner prescribed in rules  
10 promulgated by the commission.

11 (c) Maintain an employment history record.

12 (d) Collect, verify, and maintain documentation establishing  
13 that the individual complies with the applicable licensing  
14 standards.

15 (9) An individual licensed under this section shall report ~~all~~  
16 **both** of the following to the commission:

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

21 (b) Imposition of a personal protection order against that  
22 individual after a judicial hearing under section 2950 or 2950a of  
23 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
24 600.2950a, or under the laws of any other jurisdiction, upon being  
25 informed of the imposition of such an order, in a manner prescribed  
26 in rules promulgated by the commission.

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

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

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

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

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

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

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

27 (d) The individual has been subjected to an adjudication of  
28 guilt for violation or attempted violation of 1 or more of the  
29 following penal laws of this state or laws of another jurisdiction

1 substantially corresponding to the penal laws of this state:

2 (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA  
3 300, MCL 257.625, if the individual has a prior conviction, as that  
4 term is defined in section 625(25)(b) of the Michigan vehicle code,  
5 1949 PA 300, MCL 257.625, that occurred within 7 years of the  
6 adjudication as described in section 625(9)(b) of the Michigan  
7 vehicle code, 1949 PA 300, MCL 257.625.

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

10 (iii) Section 81(4) or 81a or a misdemeanor violation of section  
11 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
12 and 750.411h.

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

15 (a) The commission shall initiate license revocation  
16 proceedings, including, but not limited to, issuance of an order of  
17 summary suspension and notice of intent to revoke, upon obtaining  
18 notice of facts warranting license revocation.

19 (b) A hearing for license revocation must be conducted as a  
20 contested case under the administrative procedures act of 1969,  
21 1969 PA 306, MCL 24.201 to 24.328.

22 (c) In lieu of participating in a contested case, an  
23 individual may voluntarily and permanently relinquish ~~his or her~~  
24 **the individual's** law enforcement officer license by executing  
25 before a notary public an affidavit of license relinquishment  
26 prescribed by the commission.

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



1 (e) If the commission issues a final decision or order to  
2 revoke a license, that decision or order is subject to judicial  
3 review as provided in the administrative procedures act of 1969,  
4 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described  
5 in this section is not a final decision or order for purposes of  
6 judicial review.

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

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

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

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

14 Sec. 9d. (1) This section applies only to individuals who meet  
15 all of the following conditions:

16 (a) Are employed as private college security officers under  
17 section 37 of the private security business and security alarm act,  
18 1968 PA 330, MCL 338.1087.

19 (b) Seek licensure under this act.

20 (c) Are sworn and fully empowered by a chief of police of a  
21 village, city, or township law enforcement agency, or are deputized  
22 by a county sheriff as a deputy sheriff, excluding deputation as a  
23 special deputy.

24 (2) The authority to enforce the laws of this state of private  
25 college security officers to whom this section applies is subject  
26 to the licensing requirements and procedures of this section and  
27 section 9e. An individual who seeks admission to a preservice  
28 college basic law enforcement training academy or a regional basic  
29 law enforcement training academy or the recognition of prior basic

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

4 (3) 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, **except that a rule promulgated under**  
20 **this subdivision must not require that an individual possess normal**  
21 **color vision without the assistance of color-enhancing lenses to be**  
22 **licensed as a law enforcement officer under this section.**

23 (d) Psychological fitness.

24 (e) Education.

25 (f) Reading and writing proficiency.

26 (g) Minimum age.

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

29 (i) Character fitness, as determined by a background

1 investigation supported by a written authorization and release  
2 executed by the individual for whom licensure is sought.

3 (j) Whether or not United States citizenship is required for  
4 licensure.

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

11 (l) The form and manner for execution of a written oath of  
12 office by the chief of police of a village, city, or township law  
13 enforcement agency, or by a county sheriff, and the content of the  
14 written oath conferring the authority to enforce the general  
15 criminal laws of this state.

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

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

21 (a) Before executing the oath of office, the chief of police  
22 of a village, city, or township law enforcement agency or the  
23 county sheriff shall verify that the private college security  
24 officer to whom the oath is administered complies with the  
25 licensing standards.

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

1 (c) Not more than 10 calendar days after executing the oath of  
2 office, the chief of police of a village, city, or township law  
3 enforcement agency or the county sheriff shall attest in writing to  
4 the commission that the private college security officer to whom  
5 the oath was administered satisfies the licensing standards by  
6 submitting an executed affidavit and a copy of the executed oath of  
7 office.

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

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

16 (a) Supervise remediation of errors or omissions in the  
17 affidavit or 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 of a village, city, or township law enforcement agency or  
26 the county sheriff of the denial.

27 (7) Upon being informed that the commission has denied  
28 issuance of a license, the chief of police of a village, city, or  
29 township law enforcement agency or the county sheriff shall

1 promptly inform the private college security officer seeking  
2 licensure that ~~he or she~~ **the private college security officer** has  
3 been denied issuance of a license under this section.

4 (8) A private college security officer denied a license under  
5 this section may not exercise the law enforcement authority  
6 described in the oath of office. This subsection does not divest  
7 the private college security officer of that authority until the  
8 private college security officer has been informed that ~~his or her~~  
9 **the private college security officer's** licensure was denied.

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

15 (a) Report to the commission concerning all personnel  
16 transactions affecting employment status, in a manner prescribed in  
17 rules promulgated by the commission.

18 (b) Report to the commission concerning any action taken by  
19 the chief of police of a village, city, or township law enforcement  
20 agency or the county sheriff that removes the authority conferred  
21 by the oath of office or that restores the private college security  
22 officer's authority conferred by the oath of office, in a manner  
23 prescribed in rules promulgated by the commission.

24 (c) Maintain an employment history record.

25 (d) Collect, verify, and maintain documentation establishing  
26 that the private college security officer complies with the  
27 applicable licensing standards.

28 (10) If a private college or university appoints an individual  
29 as a private college security officer under section 37 of the

1 private security business and security alarm act, 1968 PA 330, MCL  
2 338.1087, and the private college security officer is licensed  
3 under this section, the private college or university, with respect  
4 to the private college security officer, shall do ~~all~~**both** of the  
5 following:

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

9 (b) Report to the chief of police of a village, city, or  
10 township law enforcement agency or the county sheriff who  
11 administered the oath of office to that private college security  
12 officer all personnel transactions affecting employment status, in  
13 a manner prescribed in rules promulgated by the commission.

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

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

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

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

1 (a) The private college security officer is no longer employed  
2 as a private college security officer appointed under section 37 of  
3 the private security business and security alarm act, 1968 PA 330,  
4 MCL 338.1087, who is sworn and fully empowered by the chief of  
5 police of a village, city, or township law enforcement agency, or  
6 deputized by a county sheriff as a deputy sheriff, excluding  
7 deputation as a special deputy, rendering the license lapsed.

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

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

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

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

26 (c) The private college security officer has been subjected to  
27 an adjudication of guilt for a violation or attempted violation of  
28 a penal law of this state or another jurisdiction that is  
29 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 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 (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  
 28 ~~security-college~~ **security** officer may voluntarily and permanently  
 29 relinquish ~~his or her~~ **the private college security officer's** law



1 enforcement officer license under this section by executing before  
2 a notary public an affidavit of license relinquishment as  
3 prescribed by the commission.

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

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

13 (15) A private college security officer licensed under this  
14 section shall not exercise the law enforcement authority described  
15 in the oath of office ~~he or she~~ **the private college security**  
16 **officer** executed if any of the following occur:

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

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

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