

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5852**

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, and by adding
section 9e.

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 **AND SECTION 9E**. An individual who seeks admission to a
6 preservice college basic law enforcement training academy or a
7 regional basic law enforcement training academy or the recognition
8 of prior basic law enforcement training and experience program for

1 purposes of licensure under this section shall submit to
2 fingerprinting as provided in section 11(3).

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

9 (a) ~~Training~~ **SUBJECT TO SECTION 9E, TRAINING** requirements that
10 may be met by completing either of the following:

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

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

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

21 (a).

22 (c) Physical ability.

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

1 is required for licensure.

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

5 (j) Whether or not United States citizenship is required for
6 licensure.

7 (k) Employment as a law enforcement officer.

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

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

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

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

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

26 (c) Not more than 10 calendar days after executing the oath of
27 office, the employing law enforcement agency shall attest in

1 writing to the commission that the individual to whom the oath was
2 administered satisfies the licensing standards by submitting an
3 executed affidavit and a copy of the executed oath of office.

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

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

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

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

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

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

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

25 (7) An individual denied a license under this section shall
26 not exercise the law enforcement authority described in the laws of
27 this state under which the individual is employed. This subsection

1 does not divest the individual of that authority until the
2 individual has been informed that his or her licensure was denied.

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

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

14 (c) Maintain an employment history record.

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

17 (9) An individual licensed under this section shall report all
18 of the following to the commission:

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

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

1 valid for all purposes described in this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (a) ~~Training~~**SUBJECT TO SECTION 9E, TRAINING** requirements that
19 may be met by completing either of the following:

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

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

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

4 (c) Physical ability.

5 (d) Psychological fitness.

6 (e) Education.

7 (f) Reading and writing proficiency.

8 (g) Minimum age.

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

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

14 (j) Whether or not United States citizenship is required for
15 licensure.

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

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

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

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

25 (iii) Execution of a written agreement between the Michigan
26 tribal law enforcement agency with whom the individual is employed
27 and a law enforcement agency, conferring authority upon the

1 individual to enforce the laws of this state.

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

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

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

10 (a) A law enforcement agency or other governmental agency
11 conferring authority upon a Michigan tribal law enforcement officer
12 as provided in this section shall confer the authority to enforce
13 the laws of this state by executing a written instrument as
14 provided in this section.

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

18 (c) Not more than 10 calendar days after the effective date of
19 the written instrument, the law enforcement agency or other
20 governmental agency executing the written instrument shall attest
21 in writing to the commission that the individual to whom the
22 authority was conferred satisfies the licensing standards, by
23 submitting an executed affidavit and a copy of the written
24 instrument.

25 (4) If, upon reviewing the executed affidavit and the written
26 instrument, the commission determines that the individual complies
27 with the licensing standards, the commission shall grant the

1 individual a license.

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

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

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

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

14 (d) Deny the issuance of a license and inform the law
15 enforcement agency or other governmental agency conferring
16 authority to enforce the laws of this state upon an individual to
17 whom this section applies.

18 (6) Upon being informed that the commission has denied
19 issuance of a license, a law enforcement agency or other
20 governmental agency conferring authority to enforce the laws of
21 this state upon an individual to whom this section applies shall
22 promptly inform the individual denied.

23 (7) An individual denied a license under this section shall
24 not exercise the law enforcement authority described in a written
25 instrument conferring authority upon the individual to enforce the
26 laws of this state. This subsection does not divest the individual
27 of that authority until the individual has been informed that his

1 or her license was denied.

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

5 (a) A requirement that the employing Michigan tribal law
6 enforcement agency report to the commission all personnel
7 transactions affecting employment status in a manner prescribed in
8 rules promulgated by the commission.

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

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

18 (d) A requirement that the employing Michigan tribal law
19 enforcement agency collect, verify, and maintain documentation
20 establishing that the individual complies with the applicable
21 licensing standards.

22 (9) A written instrument conferring authority to enforce the
23 laws of this state upon an individual to whom this section applies
24 must include a requirement that the employing Michigan tribal law
25 enforcement agency report the following regarding an individual
26 licensed under this section:

27 (a) Criminal charges for offenses for which that individual's

1 license may be revoked as described in this section, upon being
2 informed of such charges, in a manner prescribed in rules
3 promulgated by the commission.

4 (b) The imposition of a personal protection order against that
5 individual after a judicial hearing under section 2950 or 2950a of
6 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
7 600.2950a, or under the laws of any other jurisdiction, upon being
8 informed of the imposition of such an order, in a manner prescribed
9 in rules promulgated by the commission.

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

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

14 (i) An individual, having been employed as a law enforcement
15 officer in aggregate for less than 2,080 hours, is thereafter
16 continuously not employed as a law enforcement officer for less
17 than 1 year.

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

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

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

1 officer in aggregate for 2,080 hours or longer, is continuously
2 subjected to a removal of the authority conferred by the written
3 instrument authorizing the individual to enforce the laws of this
4 state for less than 2 years.

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

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

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

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

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

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

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

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

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

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

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

25 (d) The individual has been subjected to an adjudication of
26 guilt for violation or attempted violation of 1 or more of the
27 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
3 PA 300, MCL 257.625, if the individual has a prior conviction, as
4 that term is defined in section 625(25)(b) of the Michigan vehicle
5 code, 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
11 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,
12 750.81a, and 750.411h.

13 (13) 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, the issuance of an
17 order of summary suspension and notice of intent to revoke, upon
18 obtaining 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 law enforcement officer license by executing before a notary public
25 an affidavit of license relinquishment prescribed by the
26 commission.

27 (d) The commission need not delay or abate license revocation

1 proceedings based on an adjudication of guilt if an appeal is taken
2 from the adjudication of guilt.

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

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

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

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

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

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

18 Sec. 9c. (1) This section applies only to individuals who are
19 employed as fire arson investigators from fire departments within
20 villages, cities, townships, or counties in this state, who are
21 sworn and fully empowered by the chiefs of police of those
22 villages, cities, townships, or counties. Conferring authority to
23 enforce the laws of this state to law enforcement officers to whom
24 this section applies is subject to the licensing requirements and
25 procedures of this section **AND SECTION 9E**. An individual who seeks
26 admission to a preservice college basic law enforcement training
27 academy or a regional basic law enforcement training academy or the

1 recognition of prior basic law enforcement training and experience
2 program for purposes of licensure under this section shall submit
3 to 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) ~~Training~~**SUBJECT TO SECTION 9E, TRAINING** requirements that
7 may be 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

1 executed by the individual for whom licensure is sought.

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

4 (k) Employment as a fire arson investigator from a fire
5 department within a village, city, township, or county in this
6 state, who is sworn and fully empowered by the chief of police of
7 that village, city, township, or county.

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

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

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

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

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

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

27 (4) If, upon reviewing the executed affidavit and executed

1 oath of office, the commission determines that the individual
2 complies with the licensing standards, the commission shall grant
3 the individual a license.

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

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

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

21 (7) An individual denied a license under this section shall
22 not exercise the law enforcement authority described in the oath of
23 office. This subsection does not divest the individual of that
24 authority until the individual has been informed that his or her
25 license was denied.

26 (8) A chief of police who has administered an oath of office
27 to an individual under this section shall do all of the following,

1 with respect to that individual:

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

10 (c) Maintain an employment history record.

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

14 (9) An individual licensed under this section shall report all
15 of the following to the commission:

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

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

26 (10) A license issued under this section is rendered lapsed,
27 without barring further licensure under this act, if 1 or both of

1 the following occur:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 an affidavit of license relinquishment prescribed by the
2 commission.

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

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

12 (13) An individual licensed under this section shall not
13 exercise the law enforcement authority described in the oath of
14 office 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 lapsed.

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

21 (a) Are employed as private college security officers under
22 section 37 of the private security business and security alarm act,
23 1968 PA 330, MCL 338.1087.

24 (b) Seek licensure under this act.

25 (c) Are sworn and fully empowered by a chief of police of a
26 village, city, or township law enforcement agency, or are deputized
27 by a county sheriff as a deputy sheriff, excluding deputation as a

1 special deputy.

2 (2) The authority to enforce the laws of this state of private
3 college security officers to whom this section applies is subject
4 to the licensing requirements and procedures of this section **AND**
5 **SECTION 9E**. 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
10 provided in section 11(3).

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

13 (a) ~~Training~~ **SUBJECT TO SECTION 9E, TRAINING** requirements that
14 may be 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.

27 (d) Psychological fitness.

1 (e) Education.

2 (f) Reading and writing proficiency.

3 (g) Minimum age.

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

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

9 (j) Whether or not United States citizenship is required for
10 licensure.

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

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

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

25 (4) The licensure process under this section must follow the
26 following procedures:

27 (a) Before executing the oath of office, the chief of police

1 of a village, city, or township law enforcement agency or the
2 county sheriff shall verify that the private college security
3 officer to whom the oath is administered complies with the
4 licensing standards.

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

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

16 (5) If upon reviewing the executed affidavit and oath of
17 office the commission determines that the private college security
18 officer complies with the licensing standards, the commission shall
19 grant the private college security officer a license.

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

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

26 (b) Supervise the remediation of errors or omissions in the
27 screening, procedures, examinations, testing, and other means used

1 to verify compliance with the licensing standards.

2 (c) Supervise additional screening, procedures, examinations,
3 testing, and other means used to determine compliance with the
4 licensing standards.

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

8 (7) Upon being informed that the commission has denied
9 issuance of a license, the chief of police of a village, city, or
10 township law enforcement agency or the county sheriff shall
11 promptly inform the private college security officer seeking
12 licensure that he or she has been denied issuance of a license
13 under this section.

14 (8) A private college security officer denied a license under
15 this section may not exercise the law enforcement authority
16 described in the oath of office. This subsection does not divest
17 the private college security officer of that authority until the
18 private college security officer has been informed that his or her
19 licensure was denied.

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

25 (a) Report to the commission concerning all personnel
26 transactions affecting employment status, in a manner prescribed in
27 rules promulgated by the commission.

1 (b) Report to the commission concerning any action taken by
2 the chief of police of a village, city, or township law enforcement
3 agency or the county sheriff that removes the authority conferred
4 by the oath of office or that restores the private college security
5 officer's authority conferred by the oath of office, in a manner
6 prescribed in rules promulgated by the commission.

7 (c) Maintain an employment history record.

8 (d) Collect, verify, and maintain documentation establishing
9 that the private college security officer complies with the
10 applicable licensing standards.

11 (10) If a private college or university appoints an individual
12 as a private college security officer under section 37 of the
13 private security business and security alarm act, 1968 PA 330, MCL
14 338.1087, and the private college security officer is licensed
15 under this section, the private college or university, with respect
16 to the private college security officer, shall do all of the
17 following:

18 (a) Report to the commission all personnel transactions
19 affecting employment status in a manner prescribed in rules
20 promulgated by the commission.

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

26 (11) A private college security officer licensed under this
27 section shall report all of the following to the commission:

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

5 (b) The imposition of a personal protection order against the
6 private college security officer after a judicial hearing under
7 section 2950 or 2950a of the revised judicature act of 1961, 1961
8 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other
9 jurisdiction, upon being informed of the imposition of such an
10 order, in a manner prescribed in rules promulgated by the
11 commission.

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

15 (a) The private college security officer is no longer employed
16 as a private college security officer appointed under section 37 of
17 the private security business and security alarm act, 1968 PA 330,
18 MCL 338.1087, who is sworn and fully empowered by the chief of
19 police of a village, city, or township law enforcement agency, or
20 deputized by a county sheriff as a deputy sheriff, excluding
21 deputation as a special deputy, rendering the license lapsed.

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

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

1 (a) The private college security officer obtained the license
2 by making a materially false oral or written statement or
3 committing fraud in the affidavit, disclosure, or application to a
4 law enforcement training academy, the commission, or a law
5 enforcement agency at any stage of recruitment, selection,
6 appointment, enrollment, training, or licensure application.

7 (b) The private college security officer obtained the license
8 because another person made a materially false oral or written
9 statement or committed fraud in the affidavit, disclosure, or
10 application to a law enforcement training academy, the commission,
11 or a law enforcement agency at any stage of recruitment, selection,
12 appointment, enrollment, training, or licensure application.

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

17 (d) The private college security officer has been subjected to
18 an adjudication of guilt for a violation or attempted violation of
19 1 or more of the following penal laws of this state or another
20 jurisdiction substantially corresponding to the penal laws of this
21 state:

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

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

3 (iii) Section 81(4) or 81a or a misdemeanor violation of
4 section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81,
5 750.81a, and 750.411h.

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

8 (a) The commission shall initiate license revocation
9 proceedings, including, but not limited to, the issuance of an
10 order for summary suspension and notice of intent to revoke a
11 license upon obtaining notice of facts warranting license
12 revocation.

13 (b) A hearing for license revocation must be conducted as a
14 contested case under the administrative procedures act of 1969,
15 1969 PA 306, MCL 24.201 to 24.328.

16 (c) In lieu of participating in a contested case, a private
17 security college officer may voluntarily and permanently relinquish
18 his or her law enforcement officer license under this section by
19 executing before a notary public an affidavit of license
20 relinquishment as prescribed by the commission.

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

24 (e) If the commission issues a final decision or order to
25 revoke a license, that decision or order is subject to judicial
26 review as provided in the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described

1 in this section is not a final decision or order for purposes of
2 judicial review.

3 (15) A private college security officer licensed under this
4 section shall not exercise the law enforcement authority described
5 in the oath of office he or she executed if any of the following
6 occur:

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

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

10 (c) The private college security officer's license is rendered
11 lapsed.

12 **SEC. 9E. (1) BEGINNING JANUARY 1, 2020, AN INDIVIDUAL SEEKING**
13 **TO BECOME LICENSED UNDER SECTION 9, 9B, 9C, OR 9D SHALL COMPLETE**
14 **ACTIVE VIOLENCE RESPONSE TRAINING THAT EMPHASIZES COORDINATED**
15 **TACTICAL RESPONSE TO RAPIDLY DEVELOPING INCIDENTS IN WHICH**
16 **INTENTIONAL PHYSICAL INJURY OR DEATH TO A SPECIFIC POPULATION**
17 **OCCURS THROUGH THE USE OF CONVENTIONAL OR UNCONVENTIONAL WEAPONS**
18 **AND TACTICS.**

19 **(2) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE**
20 **MINIMUM STANDARDS FOR THE ACTIVE VIOLENCE RESPONSE TRAINING**
21 **REQUIRED UNDER SUBSECTION (1).**

22 **(3) BEGINNING JANUARY 1, 2020, AN INDIVIDUAL WHO IS LICENSED**
23 **UNDER SECTION 9, 9B, 9C, OR 9D SHALL COMPLETE THE ACTIVE VIOLENCE**
24 **RESPONSE TRAINING DESCRIBED UNDER SUBSECTION (1).**

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