

HOUSE BILL NO. 4540

March 18, 2021, Introduced by Reps. Tyrone Carter, Filler, Tate and Scott 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 section 2 (MCL 28.602), as amended by 2016 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Adjudication of guilt" means any of the following:
- 3 (i) Entry of a judgment or verdict of guilty, or guilty but
- 4 mentally ill, following a trial.
- 5 (ii) Entry of a plea of guilty or nolo contendere.

1 (iii) Entry of any of the adjudications specified in
2 subparagraph (i) or (ii), in conjunction with an order entered under
3 section 1 of chapter XI of the code of criminal procedure, 1927 PA
4 175, MCL 771.1, or any other order delaying sentence.

5 (iv) Entry of any of the adjudications specified in
6 subparagraph (i) or (ii), in conjunction with an assignment to the
7 status of youthful trainee under the Holmes youthful trainee act,
8 as provided in section 11 of chapter II of the code of criminal
9 procedure, 1927 PA 175, MCL 762.11.

10 (v) Entry of any of the adjudications specified in
11 subparagraph (i) or (ii), in conjunction with probation under section
12 7411 of the public health code, 1978 PA 368, MCL 333.7411.

13 (vi) Entry of any of the adjudications specified in
14 subparagraph (i) or (ii), in conjunction with probation under section
15 4a of chapter IX of the code of criminal procedure, 1927 PA 175,
16 MCL 769.4a.

17 (b) "Commission" means the Michigan commission on law
18 enforcement standards created in this act or, by express delegation
19 of the Michigan commission on law enforcement standards, its
20 executive director and staff.

21 (c) "Contested case" means that term as defined in section 3
22 of the administrative procedures act of 1969, 1969 PA 306, MCL
23 24.203.

24 (d) "Executive director" means the executive director of the
25 commission appointed under this act.

26 (e) "Law enforcement agency" means an entity that is
27 established and maintained in accordance with the laws of this
28 state and is authorized by the laws of this state to appoint or
29 employ law enforcement officers.

1 (f) "Law enforcement officer" means:

2 (i) Except as provided in subparagraph (ii), an individual
3 employed by a law enforcement agency as 1 or more of the following:

4 (A) An individual authorized by law, including common law, to
5 prevent and detect crime and enforce the general criminal laws of
6 this state. This subdivision does not include an individual
7 employed solely because he or she occupies any other office or
8 position.

9 (B) An individual employed as a Michigan tribal law
10 enforcement officer by a federally recognized Indian tribe that has
11 trust lands located within this state, subject to a written
12 instrument authorizing the individual to enforce the laws of this
13 state.

14 (C) The sergeant at arms or any assistant sergeant at arms of
15 either house of the legislature who is commissioned as a police
16 officer by that respective house of the legislature as provided by
17 the legislative sergeant at arms police powers act, 2001 PA 185,
18 MCL 4.381 to 4.382.

19 (D) A law enforcement officer of a law enforcement agency
20 created by a public body under section 3 of the public body law
21 enforcement agency act, 2004 PA 378, MCL 28.583.

22 (E) A county prosecuting attorney's investigator sworn and
23 fully empowered by the sheriff of that county as provided under
24 article VII of the state constitution of 1963 and section 70 of
25 1846 RS 14, MCL 51.70.

26 (F) A fire arson investigator from a fire department within a
27 village, city, township, or county who is sworn and fully empowered
28 by the chief of police of that village, city, township, or county.

29 (G) Officers and investigators appointed by state departments

1 represented on the Michigan highway reciprocity board as provided
2 under section 15 of 1960 PA 124, MCL 3.175.

3 (H) A superintendent, watchperson, or guard appointed or
4 chosen as provided under sections 1 and 3 of 1905 PA 80, MCL 19.141
5 and 19.143.

6 (I) A commissioner or officer of the department of state
7 police as described under section 6 of 1935 PA 59, MCL 28.6.

8 (J) A conservation officer appointed by the department of
9 state police as provided under section 6a of 1935 PA 59, MCL 28.6a.

10 (K) A general law township constable elected or appointed to
11 perform both statutory criminal and civil duties as provided under
12 section 82 of 1846 RS 16, MCL 41.82.

13 (L) An officer appointed to a general law township police
14 department as provided under section 6 of 1951 PA 33, MCL 41.806.

15 (M) A marshal, policeman, watchman, or officer appointed to a
16 charter township police force as provided under section 12 of the
17 charter township act, 1947 PA 359, MCL 42.12.

18 (N) A park ranger appointed by a county or regional parks and
19 recreation commission as provided under section 14 of 1965 PA 261,
20 MCL 46.364.

21 (O) A sheriff elected as provided under section 4 of article
22 VII of the state constitution of 1963 or appointed as provided
23 under section 11 of article V of the state constitution of 1963.

24 (P) An undersheriff or deputy sheriff appointed as provided
25 under section 70 of 1846 RS 14, MCL 51.70.

26 (Q) A police officer appointed by a general law village as
27 provided under section 13 of the general law village act, 1895 PA
28 3, MCL 70.13.

29 (R) A police officer of a home rule village with the authority

1 described in sections 22 and 22b of the home rule village act, 1909
2 PA 278, MCL 78.22 and 78.22b.

3 (S) A marshal serving as chief of police of a fourth class
4 city as provided under section 16 of chapter VII of the fourth
5 class city act, 1895 PA 215, MCL 87.16.

6 (T) A constable of a fourth class city as authorized under
7 section 24 of chapter VII of the fourth class city act, 1895 PA
8 215, MCL 87.24.

9 (U) A police chief, policeman, or night watchman appointed
10 under section 1 of chapter XII of the fourth class city act, 1895
11 PA 215, MCL 92.1.

12 (V) A police officer or constable as authorized under sections
13 3 and 32 to 34a of the home rule city act, 1909 PA 279, MCL 117.3
14 and 117.32 to 117.34a.

15 (W) An airport law enforcement officer, guard, or police
16 officer appointed by a public airport authority as provided under
17 section 116 of the aeronautics code of the state of Michigan, 1945
18 PA 327, MCL 259.116.

19 (X) A conservation officer appointed by the director of the
20 department of natural resources as provided under section 1 of 1986
21 PA 109, MCL 300.21, and as authorized under sections 1501, 1601,
22 and 1606(1) of the natural resources and environmental protection
23 act, 1994 PA 451, MCL 324.1501, 324.1601, and 324.1606.

24 (Y) A public safety officer granted law enforcement officer
25 authority and employed by a department of public safety established
26 under section 1606b of the revised school code, 1976 PA 451, MCL
27 380.1606b.

28 (Z) A public safety officer authorized by a community college
29 as provided under section 128 of the community college act of 1966,

1 1966 PA 331, MCL 389.128.

2 (AA) A public safety officer of a public safety ~~office~~
3 **department** established by the board of control of Saginaw Valley
4 State University as provided under section 5a of 1965 PA 278, MCL
5 390.715a.

6 (BB) A public safety officer of a higher education institution
7 authorized under section 1 of 1990 PA 120, MCL 390.1511.

8 (CC) An investigator appointed by the attorney general as
9 provided under section 10 of the Medicaid false claim act, 1977 PA
10 72, MCL 400.610.

11 (DD) An investigator appointed by the attorney general under
12 section 35 of 1846 RS 12, MCL 14.35, as described in the opinion of
13 the attorney general, OAG, 1977 No. 5236 (October 20, 1977).

14 (EE) An investigator appointed by the attorney general as
15 provided under section 8 of the health care false claim act, 1984
16 PA 323, MCL 752.1008.

17 (FF) A railroad police officer appointed, commissioned, and
18 acting as provided under section 367 of the railroad code of 1993,
19 1993 PA 354, MCL 462.367.

20 (GG) An inspector appointed under section 13 **of article V** of
21 the motor carrier act, 1933 PA 254, MCL 479.13.

22 (HH) A law enforcement officer licensed under this act whose
23 duties are performed in conjunction with a joinder of 2 or more
24 municipal corporations under 1951 PA 35, MCL 124.1 to 124.13.

25 (II) A law enforcement officer licensed under this act whose
26 duties are performed in conjunction with an interlocal agreement
27 entered into under the urban cooperation act of 1967, 1967 (Ex
28 Sess) PA 7, MCL 124.501 to 124.512.

29 (JJ) A law enforcement officer licensed under this act whose

1 duties are performed in conjunction with a transfer of functions or
2 responsibilities under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

3 (KK) A law enforcement officer licensed under this act whose
4 duties have been transferred to an authority and who is given a
5 comparable position of employment with that authority as provided
6 under 1988 PA 57, MCL 124.601 to 124.614.

7 (LL) A private college security officer appointed under
8 section 37 of the private security business and security alarm act,
9 1968 PA 330, MCL 338.1087, who is licensed under section 9d.

10 **(MM) A transit police officer employed by a public body**
11 **corporate created pursuant to an interlocal agreement under the**
12 **urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to**
13 **124.512, between a city and an authority under the metropolitan**
14 **transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to**
15 **124.426.**

16 (ii) "Law enforcement officer" does not include any of the
17 following:

18 (A) An individual authorized to issue citations as a volunteer
19 as provided under section 675d of the Michigan vehicle code, 1949
20 PA 300, MCL 257.675d.

21 (B) A security employee authorized by the director of the
22 department of state police as provided under section 6c of 1935 PA
23 59, MCL 28.6c.

24 (C) A motor carrier enforcement officer appointed under
25 section 6d of 1935 PA 59, MCL 28.6d, as qualified under section 5
26 of 1956 PA 62, MCL 257.955, or as authorized under section 73 of
27 1990 PA 187, MCL 257.1873.

28 (D) The director of the department of agriculture **and rural**
29 **development** or his or her representative granted peace officer

1 authority as provided in section 9h of the motor fuels quality act,
2 1984 PA 44, MCL 290.649h.

3 (E) An agent employed and authorized under section 27 of the
4 private security business and security alarm act, 1968 PA 330, MCL
5 338.1077.

6 (F) An attendance officer granted the powers of a deputy
7 sheriff as provided in section 1571 of the revised school code,
8 1976 PA 451, MCL 380.1571.

9 (G) A park and recreation officer commissioned under section
10 1606(2) of the natural resources and environmental protection act,
11 1994 PA 451, MCL 324.1606.

12 (H) A volunteer conservation officer appointed by the
13 department of natural resources under section 1607 of the natural
14 resources and environmental protection act, 1994 PA 451, MCL
15 324.1607.

16 (I) A state forest officer commissioned under section 83107 of
17 the natural resources and environmental protection act, 1994 PA
18 451, MCL 324.83107.

19 (J) A special deputy appointed under section 70 of 1846 RS 14,
20 MCL 51.70.

21 (K) A limited enforcement officer appointed to conduct salvage
22 vehicle inspections under section 217c of the Michigan vehicle
23 code, 1949 PA 300, MCL 257.217c, who is not otherwise employed as a
24 law enforcement officer.

25 (L) A private security guard or private security police
26 officer licensed under the private security business and security
27 alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, or a private
28 college security officer authorized under section 37 of the private
29 security business and security alarm act, 1968 PA 330, MCL

1 338.1087, who is not licensed under section 9d.

2 (M) The attorney general.

3 (N) The secretary of state.

4 (O) A member of a sheriff's posse.

5 (P) A reserve officer.

6 (Q) An officer or investigator of the department of state
7 designated under section 213 of the Michigan vehicle code, 1949 PA
8 300, MCL 257.213.

9 (R) An authorized agent of the state transportation department
10 or a county road commission performing duties described under
11 section 724 of the Michigan vehicle code, 1949 PA 300, MCL 257.724.

12 (S) An enforcement officer of the aeronautics commission
13 authorized under section 55 of the aeronautics code of the state of
14 Michigan, 1945 PA 327, MCL 259.55.

15 (T) A railroad conductor acting under section 3 of 1913 PA 68,
16 MCL 436.203.

17 (U) An inspector authorized to enforce the Michigan liquor
18 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and
19 rules promulgated by the liquor control commission, under section
20 201 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
21 436.1201.

22 (V) An individual not licensed under this act whose law
23 enforcement duties are performed in conjunction with a joinder of 2
24 or more municipal corporations under 1951 PA 35, MCL 124.1 to
25 124.13.

26 (W) An individual not licensed under this act whose law
27 enforcement duties are performed in conjunction with an interlocal
28 agreement entered into under the urban cooperation act of 1967,
29 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

1 (X) An individual not licensed under this act whose law
 2 enforcement duties are performed in conjunction with a transfer of
 3 functions or responsibilities under 1967 (Ex Sess) PA 8, MCL
 4 124.531 to 124.536.

5 (Y) An individual not licensed under this act whose law
 6 enforcement duties have been transferred to an authority and who is
 7 given a comparable position of employment with that authority as
 8 provided under 1988 PA 57, MCL 124.601 to 124.614.

9 (Z) A marshal appointed under section 11 of 1889 PA 39, MCL
 10 455.61, or section 15 of 1929 PA 137, MCL 455.215.

11 (g) "Law enforcement training academy" means any of the
 12 following:

13 (i) An agency basic law enforcement training academy.

14 (ii) A preservice college basic law enforcement training
 15 academy.

16 (iii) A regional basic law enforcement training academy.

17 (h) "License" means documentation of licensure by the
 18 commission under this act. License includes a certificate issued
 19 under this act before ~~the effective date of the amendatory act that~~
 20 ~~added this definition.~~ **January 2, 2017.**

21 (i) "Licensing standards" means the requirements with which a
 22 person must comply for licensure as a law enforcement officer under
 23 this act.

24 (j) "Licensure" means a determination by the commission that
 25 both of the following occurred in compliance with this act and
 26 rules promulgated under this act:

27 (i) The person to whom the license is issued commenced
 28 employment as a law enforcement officer, subject to a written oath
 29 of office or other written instrument conferring law enforcement

1 authority.

2 (ii) The law enforcement agency employing the individual, or
3 the law enforcement agency or other governmental agency conferring
4 law enforcement authority upon the individual, attested to the
5 commission that the individual complied with the licensing
6 standards.

7 (k) "Michigan tribal law enforcement officer" means an
8 individual employed as a law enforcement officer by a federally
9 recognized Indian tribe that has trust lands located within this
10 state, subject to a written instrument authorizing the individual
11 to enforce the laws of this state.

12 (l) "Rule" means a rule promulgated under the administrative
13 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.