

**SUBSTITUTE FOR
HOUSE BILL NO. 5132**

A bill to amend 1965 PA 203, entitled
"Michigan commission on law enforcement standards act,"
by amending section 9 (MCL 28.609), 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
5 this section and section 9e. ~~An~~ **Both of the following apply to an**
6 individual who seeks admission to a preservice college basic law
7 enforcement training academy or a regional basic law enforcement
8 training academy or the recognition of prior basic law enforcement
9 training and experience program for purposes of licensure under

1 this section:

2 (a) The individual shall submit to fingerprinting as provided
3 in section 11(3).

4 (b) Beginning on the effective date of the amendatory act that
5 added this subdivision, the commission shall not require the
6 following individuals to have an associate degree:

7 (i) A veteran who has accrued a total of at least 6,240 hours
8 of military service experience prior to seeking admission or
9 recognition for purposes of licensure as described under this
10 subsection.

11 (ii) A loss prevention officer who has accrued a total of at
12 least 6,240 hours of work experience as a loss prevention officer
13 prior to seeking admission or recognition for purposes of licensure
14 as described under this subsection.

15 (iii) A firefighter who has accrued a total of at least 6,240
16 hours of work experience as a firefighter prior to seeking
17 admission or recognition for purposes of licensure as described
18 under this subsection.

19 (iv) An emergency medical services personnel who has accrued a
20 total of at least 6,240 hours of work experience as an emergency
21 medical services personnel prior to seeking admission or
22 recognition for purposes of licensure as described under this
23 subsection.

24 (v) A public service assistant who has accrued a total of at
25 least 6,240 hours of work experience as a public service assistant
26 prior to seeking admission or recognition for purposes of licensure
27 as described under this subsection.

28 (2) The commission shall promulgate rules governing licensing
29 standards and procedures for individuals licensed under this

1 section. In promulgating the rules, the commission shall give
2 consideration to the varying factors and special requirements of
3 law enforcement agencies. Rules promulgated under this subsection
4 must pertain to the following:

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

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

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

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

17 (a).

18 (c) Physical ability.

19 (d) Psychological fitness.

20 (e) Education.

21 (f) Reading and writing proficiency.

22 (g) Minimum age.

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

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

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

1 (k) Employment as a law enforcement officer.

2 (l) The form and manner for execution of a written oath of
3 office by a law enforcement agency with whom the individual is
4 employed, and the content of the written oath conferring authority
5 to act with all of the law enforcement authority described in the
6 laws of this state under which the individual is employed.

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

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

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

15 (b) A law enforcement agency employing an individual licensed
16 under this section authorizes the individual to exercise the law
17 enforcement authority described in the laws of this state under
18 which the individual is employed, by executing a written oath of
19 office.

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

25 (4) If, upon reviewing the executed affidavit and executed
26 oath of office, the commission determines that the individual
27 complies with the licensing standards, the commission shall grant
28 the individual a license.

29 (5) If, upon reviewing the executed affidavit and executed

1 oath of office, the commission determines that the individual does
2 not comply with the licensing standards, the commission may do any
3 of the following:

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

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

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

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

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

17 (7) An individual denied a license under this section shall
18 not exercise the law enforcement authority described in the laws of
19 this state under which the individual is employed. This subsection
20 does not divest the individual of that authority until the
21 individual has been informed that his or her licensure was denied.

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

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

28 (b) Report to the commission concerning any action taken by
29 the employing agency that removes the authority conferred by the

1 oath of office, or that restores the individual's authority to that
 2 conferred by the oath of office, in a manner prescribed in rules
 3 promulgated by the commission.

4 (c) Maintain an employment history record.

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

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

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

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

19 (10) A license ~~issued under this section~~ is rendered inactive
 20 **—upon an individual's separation from an employing law enforcement**
 21 **agency or by the removal of the authority conferred by the oath of**
 22 **office**, and may be reactivated, as follows:

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

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

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

1 officer for fewer than 2,080 hours in aggregate, is thereafter
2 continuously subjected to a removal of the authority conferred by
3 the oath of office for less than 1 year.

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

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

12 (b) An employing law enforcement agency may ~~reactivate~~**request**
13 **the reactivation of** a license rendered inactive by complying with
14 the licensure procedures described in subsection (3), excluding
15 verification of and attestation to compliance with the licensing
16 standards described in subsection (2)(a) to **(c) and (e) to (g)**.

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

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

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

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

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

1 officer for 2,080 hours or longer in aggregate, is thereafter
2 continuously not employed as a law enforcement officer for 2 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (e) If the commission issues a final decision or order to

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

6 (14) An individual licensed under this section shall not
 7 exercise the law enforcement authority described in the laws of
 8 this state under which the individual is employed if any of the
 9 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 inactive.

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

15 **(15) As used in this section:**

16 (a) **"Emergency medical personnel" means a medical first**
 17 **responder, emergency medical technician, emergency medical**
 18 **technician specialist, paramedic, or emergency medical services**
 19 **instructor-coordinator.**

20 (b) **"Firefighter" means that term as defined in section 2 of**
 21 **the firefighters training council act, 1966 PA 291, MCL 29.362.**

22 (c) **"Loss prevention officer" means a private security guard**
 23 **as that term is defined in section 2 of the private security**
 24 **business and alarm act, 1968 PA 330, MCL 338.1052, or a private**
 25 **security police officer described under section 29 of the private**
 26 **security business and security alarm act, 1968 PA 330, MCL**
 27 **338.1079.**

28 (d) **"Public service assistant" means a full-time or part-time**
 29 **employee who is specially trained by a law enforcement agency and**

1 who is unarmed and has no arrest or criminal enforcement powers.

2 (e) "Veteran" means an individual who served in the United
3 States Armed forces, including the reserve component, and was
4 discharged or released under conditions other than dishonorable.

5 Enacting section 1. This amendatory act does not take effect
6 unless House Bill No. 5133 of the 101st Legislature is enacted into
7 law.