



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5494 (Substitute H-1 as passed by the House)
House Bill 5495 (Substitute H-1 as passed by the House)
House Bill 5496 (as passed by the House)
House Bill 5497 (Substitute H-1 as passed by the House)
House Bills 5498 through 5501 (as passed by the House)
Sponsor: Representative Vanessa Guerra (H.B. 5494)
Representative Stephanie Chang (H.B. 5495)
Representative Peter J. Lucido (H.B. 5496)
Representative Klint Kesto (H.B. 5497 and 5498)
Representative Triston Cole (H.B. 5499)
Representative Jim Tedder (H.B. 5500)
Representative Kathy Crawford (H.B. 5501)

House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 7-11-16

CONTENT

The bill would amend various statutes to refer to peace officers or police officers who were licensed or certified under the Michigan Commission on Law Enforcement Standards Act, rather than those who are certified pursuant to the Commission on Law Enforcement Standards Act.

House Bill 5494 (H-1) would amend the Public Body Law Enforcement Agency Act. House Bill 5495 (H-1) would amend the Wolf-Dog Cross Act. House Bill 5496 would amend the Michigan Unarmed Combat Regulatory Act. House Bill 5497 (H-1) would amend the handgun licensure law. House Bill 5498 would amend Public Act 563 of 2006, which restricts the use and disclosure of certain statements made by law enforcement officers. House Bill 5499 would amend the Legislative Sergeant at Arms Police Powers Act. House Bill 5500 would amend the Michigan Vehicle Code. House Bill 5501 would amend the Large Carnivore Act.

Each of the bills is tie-barred to Senate Bill 92 and would take effect 90 days after enactment. (As passed by the Senate, Senate Bill 92 (S-7) would amend the Commission on Law Enforcement Standards Act to codify the Michigan Commission on Law Enforcement Standards (MCOLES), which was created by an Executive Reorganization Order. That legislation also would revise various law enforcement standards, and would require MCOLES to grant a license, rather than certification, to a person who meets the standards and will be employed as a law enforcement officer. In addition, Senate Bill 92 (S-7) would rename the Act the "Michigan Commission on Law Enforcement Standards Act".)

House Bill 5494 (H-1)

The Public Body Law Enforcement Agency Act allows certain multicounty parks districts and large school districts to create a law enforcement agency by resolution of a district's governing entity. Law enforcement officers who are granted the powers and authority of peace and police officers under the Act are required to meet the minimum employment standards of the

Commission on Law Enforcement Standards Act. Under the bill, officers granted the powers, immunities, and authority of peace and police officers would have to meet the minimum employment standards of the MCOLES Act.

House Bill 5495 (H-1)

The Wolf-Dog Cross Act prohibits the possession and breeding of a wolf-dog cross and includes in its definition of "law enforcement officer" a peace officer who is trained and certified under the Commission on Law Enforcement Standards Act. The bill would refer to an officer trained and licensed or certified under the MCOLES Act.

House Bill 5496

The Michigan Unarmed Combat Regulatory Act regulates professional boxing and professional and amateur mixed martial arts. It prohibits a promoter from conducting an event unless at least one inspector is present at the event. An inspector must be currently or previously certified by the Commission on Law Enforcement Standards or be a licensed security guard or employed by a licensed security guard agency. The bill would refer to a person currently or previously licensed or certified under the MCOLES Act.

House Bill 5497 (H-1)

The handgun licensure law regulates the sale, purchase, possession, and transporting of certain firearms and other devices. Under the law, certain individuals are not required to obtain a license to purchase, carry, possess, use, or transport a pistol. These include a person who is currently employed as a police officer and is certified under the Commission on Law Enforcement Standards Act. The bill would refer to an individual currently employed as a police officer and licensed or certified under the MCOLES Act.

Also, the law's requirements for obtaining a license to carry a concealed pistol do not apply to certain individuals, including a constable who is trained and certified under the Commission on Law Enforcement Standards Act. The bill would refer to a constable trained and licensed or certified under the MCOLES Act.

In addition, the law's definition of "peace officer" refers to an individual employed as a law enforcement officer, as that term is defined under the Commission on Law Enforcement Standards Act. The bill would refer to the MCOLES Act. The law's definition of "retired police officer" or "retired law enforcement officer" refers to an individual who was a police or law enforcement officer who was certified under the Commission on Law Enforcement Standards Act. The bill would refer to a person who was a police or law enforcement officer who was licensed or certified under the MCOLES Act.

House Bill 5498

Public Act 563 of 2006 restricts the use and disclosure of certain statements made by law enforcement officers. The Act's definition of "law enforcement officer" includes a person who is trained and certified under the Commission on Law Enforcement Standards Act. The bill would refer to a person trained and licensed or certified under the MCOLES Act.

House Bill 5499

The Legislative Sergeant at Arms Police Powers Act authorizes each house of the Legislature to commission the Sergeant at Arms and one or more assistants, to enforce rules adopted by that house and Michigan law. A Sergeant at Arms or an assistant sergeant at arms commissioned under the Act is subject to the training and certification requirements under

the Commission on Law Enforcement Standards Act. Under the bill, those officers would be subject to the training and licensure or certification requirements under the MCOLES Act.

House Bill 5500

Under the Michigan Vehicle Code, the definition of "police officer" includes a peace officer who is trained and certified under the Commission on Law Enforcement Standards Act. The bill would refer to a peace officer trained and licensed or certified under the MCOLES Act.

House Bill 5501

The Large Carnivore Act regulates the possession and transportation of a "large carnivore" (as defined in the Act), and includes requirements for the condition, maintenance, and use of a cage, pen, or similar enclosure where a large carnivore is kept.

The Act's definition of "law enforcement officer" includes a peace officer who is trained and certified under the Commission on Law Enforcement Standards Act. The bill would refer to a peace officer trained and licensed or certified under the MCOLES Act.

MCL 28.586 & 28.587 (H.B. 5494)
287.1002 (H.B. 5495)
338.3633 (H.B. 5496)
28.421 et al. (H.B. 5497)
15.391 (H.B. 5498)
4.382 (H.B. 5499)
257.42 & 257.726c (H.B. 5500)
287.1102 (H.B. 5501)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.