



MCOLES

Michigan Commission on Law Enforcement Standards

Commission Resolution 2018-04 Resolution Delegating Authority to the Executive Director and Authorizing Delegation of Tasks to MCOLES Staff

WHEREAS, Section 12 of the Michigan Commission on Law Enforcement Standards Act, MCL 28.612, provides in relevant part that the “executive director shall perform the functions and duties that are assigned to him or her by the commission”; and

WHEREAS, Section 2(b) of the Act, MCL 28.602(b), contemplates that the Commission will, by “express delegation” confer the authority to perform statutory functions on the Executive Director and MCOLES Staff; and

WHEREAS, Section II B of Executive Order 2001-5, MCL 28.621, provides in relevant part that the MCOLES Executive Director shall “administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order”; and

WHEREAS, Section I B of Executive Order 2001-5 describes the assigned functions transferred by the Order to include those in the Michigan Commission on Law Enforcement Standards Act and the Michigan Justice Training Fund Commission Act; and

WHEREAS, in the context of an Executive Order, Attorney General Opinion Number 4479, OAG, 1965-1966, No 4479, p 209 (March 9, 1966), describes the term “administer” to mean “manage the affairs of,” “direct or superintend the execution, use, or conduct of,” and “review all the acts of subordinates, and to correct, or direct a correction of, any errors committed by them.”

WHEREAS, in addition to the statutory authority conferred in the aforementioned statutes and Executive Order, additional functions are conferred upon the Commission by the Michigan Public Safety Officers Benefit Act, MCL 28.631 *et seq.*, the Michigan Retired Law Enforcement Officer’s Firearm Carry Act, MCL 28.511 *et seq.*, and Chapter III of the Michigan Code of Criminal Procedure, MCL 763.11; and

WHEREAS, to ensure that the Executive Director has governmental immunity protections, it is necessary to confirm that he is acting within the scope of his authority as defined by law; and


WHEREAS, attached to and incorporated into this Resolution is a description of all of the statutory functions for which the Michigan Commission on Law Enforcement Standards is

responsible, organized according to the statutes from which they originate, and numbered from 1 through 97:

THEREFORE, BE IT RESOLVED THAT:

1. The Commission expressly delegates to the MCOLES Executive Director the authority to administer the statutory functions described in the attachment, excluding the following:
 - a. Functions 10-11, pertaining to appointment of and delegation of function to the MCOLES Executive Director;
 - b. Function 12, pertaining to expenditures of portions of the Secondary Road Patrol and Training Fund for fiscal years that have transpired;
 - c. Functions 23 and 24, pertaining to assessment of fees for screening, enrolling, evaluating, and testing candidates for licensure and assessment of fees for issuance of licenses;
 - d. Functions 28-32, pertaining to Commission meeting functions authorized by vote of the Commission;
 - e. Functions 33-58, pertaining to administrative rule promulgation under the Michigan Commission on Law Enforcement Standards Act;
 - f. Function 64, pertaining to issuance of Justice Training Fund grants;
 - g. Function 69, pertaining to administrative rule promulgation under the Michigan Justice Training Fund Act; and
 - h. Function 74, pertaining to issuance of Justice Training Fund grants.
2. This delegation does not otherwise prohibit the Commission from exercising its statutory function under Section 12 of the Michigan Commission on Law Enforcement Standards Act, MCL 28.612, to require the MCOLES Executive Director to “perform the functions and duties that are assigned to him or her by the commission.”
3. This delegation authorizes the MCOLES Executive Director to delegate tasks to MCOLES staff as necessary to ensure performance of MCOLES statutory functions, as contemplated in Section 2(b) of the Michigan Commission on Law Enforcement Standards Act, MCL 28.602(b).

Adopted by the Michigan Commission on Law Enforcement Standards on April 11, 2018.



Michael Wendling, Chair

MCOLES STATUTORY FUNCTIONS

Michigan Commission on Law Enforcement Standards Act

Administrative Functions

1. Expressly delegate functions to the commission's executive director and staff. [§ 2(b)]
2. Publish an annual report. [§ 7]
3. Enter into agreements with colleges, universities, governmental agencies, and private entities to carry out the intent of 2016 PA 289. [§ 11(1)(a)]
4. Issue certificates of approval to law enforcement training academies. [§ 11(1)(b)]
5. Authorize issuance of certificates of graduation or diplomas by law enforcement training academies to students who have satisfactorily completed minimum courses of study. [§ 11(1)(c)]
6. Cooperate with state, federal, and local agencies to approve programs of in-service instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages. [§ 11(1)(d)]
7. Use money in the law enforcement officers training fund that remains in the fund at the close of the fiscal year, upon appropriation, in future fiscal years, as prescribed in § 11 of 2016 PA 289. [§ 11(5)]
8. Administer the law enforcement officers training fund. [§ 11(6)]
9. Expend money from the law enforcement officers training fund, upon appropriation, to carry out its responsibilities under 2016 PA 289. [§ 11(7)]
10. Appoint an executive director of the commission. [§ 12]
11. Assign functions and duties to the executive director. [§ 12]
12. For fiscal years 2016 and 2017 only, pay, from the secondary road patrol and training fund, the reasonable expenses of performing its statutory functions authorized or required under 2016 PA 289. [§ 14(1)(b)]

Licensing Functions

13. Determine whether an individual is authorized by law, including common law, to prevent and detect crime and enforce the general criminal laws of this state. [§ 2(f)(i)(A)]
14. Determine whether an individual has been elected or appointed to the office of sheriff in this state. [§§ 9a(2)(b); 9a(2)(c)]
15. Issue or deny an individual a license based on the status of being elected or appointed to the office of sheriff in this state. [§§ 9a(2)(b); 9a(2)(c)]
16. Maintain a record of and monitor the following information reported by agencies that have administered oaths of office to law enforcement officers as provided in 2016 PA 289:
 - a. Personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission. [§§ 9(8)(a); 9b(8)(a); 9c(8)(a); 9d(9)(a)]
 - b. Actions taken by the employing agency that removes the authority conferred by the oath of office, or that restores the individual's authority to that conferred by the oath of office, in a manner prescribed in rules promulgated by the commission. [§§ 9(8)(b); 9b(8)(b); 9c(8)(b); 9d(9)(b)]
17. Maintain a record of and monitor the following information reported by licensees as provided in 2016 PA 289:
 - a. Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission. [§§ 9(9)(a); 9a(3)(a); 9b(9)(a); 9c(9)(a); 9d(11)(a)]

- b. The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission. [§§ 9(9)(b); 9a(3)(b); 9b(9)(b); 9c(9)(b); 9d(11)(b)]
- 18. Monitor and account for the number of aggregate hours licensees are employed as a law enforcement officer, for purposes of determining whether a license is inactive or lapsed. [§§ 9(10); 9(11); 9b(10); 9b(11)]
- 19. Monitor and account for the number of hours licensees are continuously not employed as a law enforcement officer, for purposes of determining whether a license is inactive or lapsed. [§§ 9(10); 9(11); 9b(10); 9b(11); 9c(10); 9d(12)]
- 20. Monitor and account for the number of hours licensees are continuously subjected to a removal of law enforcement authority, for purposes of determining whether a license is inactive or lapsed. [§§ 9(10); 9(11); 9b(10); 9b(11); 9c(10); 9d(12)]
- 21. Require a licensing examination. [§ 11(1)(f)]
- 22. Establish a recognition of prior basic law enforcement training and experience program. [§ 11(1)(g)]
- 23. Establish and charge a fee to recover the cost of screening, enrolling, evaluating, and testing individuals who are not employed by a law enforcement agency that shall be deposited in the law enforcement officers training fund created in this section. [§ 11(1)(h)]
- 24. Establish and charge a fee to recover the cost of issuing licenses to persons licensed under this act that shall be deposited in the law enforcement officers training fund created in this section. [§ 11(1)(i)]
- 25. Inquire to law enforcement officers and law enforcement organizations concerning compliance with the licensing standards established in 2016 PA 289. [§ 13(1)]
- 26. Pay reasonable fees to law enforcement officers and law enforcement organizations for their actual cost of producing information, documents, and other items requested by the commission. [§ 13(2)]
- 27. Use money granted to it by the department of state police from the secondary road patrol and training fund, to reimburse law enforcement agencies for the reasonable costs the agencies incur in providing education to their employees who are enrolled in law enforcement training academies for the purpose of being employed by the agencies as law enforcement officers licensed under this act. [§ 14(1)(a)]

Commission Meeting Functions

- 28. Elect a chairperson and vice-chairperson. [§ 5(1)]
- 29. Determine time and place of commission meetings. [§ 6(1)]
- 30. Determine requirements for quorum, place and conduct of meetings, and other matters. [§ 6(2)]
- 31. Establish procedures and requirements governing commission operations. [§ 6(3)]
- 32. Take action at meetings upon a majority vote of present members. [§ 6(4)]

Rule Promulgation Functions

- 33. Promulgate administrative rules establishing licensing a standard for preenrollment requirements, courses of study, attendance requirements, and instructional hours at law enforcement training academies. [§§ 9(2)(a)(i); 9b(2)(a)(i); 9c(2)(a)(i); 9d(3)(a)(i)]
- 34. Promulgate administrative rules establishing a licensing standard for a recognition of prior basic law enforcement training and experience program. [§§ 9(2)(a)(ii); 9b(2)(a)(ii); 9c(2)(a)(ii); 9d(3)(a)(ii)]
- 35. Promulgate administrative rules governing a licensing standard for a licensing examination. [§§ 9(2)(b); 9b(2)(b); 9c(2)(b); 9d(3)(b)]
- 36. Promulgate administrative rules establishing a licensing standard for physical ability. [§§ 9(2)(c); 9b(2)(c); 9c(2)(c); 9d(3)(c)]

37. Promulgate administrative rules establishing a licensing standard for psychological fitness. [§§ 9(2)(d); 9b(2)(d); 9c(2)(d); 9d(3)(d)]
38. Promulgate administrative rules establishing a licensing standard for education. [§§ 9(2)(e); 9b(2)(e); 9c(2)(e); 9d(3)(e)]
39. Promulgate administrative rules establishing a licensing standard for reading and writing proficiency. [§§ 9(2)(f); 9b(2)(f); 9c(2)(f); 9d(3)(f)]
40. Promulgate administrative rules establishing a licensing standard for minimum age. [§§ 9(2)(g); 9b(2)(g); 9c(2)(g); 9d(3)(g)]
41. Promulgate administrative rules establishing a licensing standard for vehicle operator's license. [§§ 9(2)(h); 9b(2)(h); 9c(2)(h); 9d(3)(h)]
42. Promulgate administrative rules establishing a licensing standard for character fitness, including but not limited to use of a background investigation supported by a written authorization and release. [§§ 9(2)(i); 9b(2)(i); 9c(2)(i); 9d(3)(i)]
43. Promulgate administrative rules establishing a licensing standard for United States citizenship. [§§ 9(2)(j); 9b(2)(j); 9c(2)(j); 9d(3)(j)]
44. Promulgate administrative rules establishing a licensing standard for employment as a law enforcement officer. [§§ 9(2)(k); 9b(2)(k); 9c(2)(k); 9d(3)(k)]
45. Promulgate administrative rules establishing a licensing standard for the form and manner of execution of an oath of office. [§§ 9(2)(l); 9b(2)(l); 9c(2)(l); 9d(3)(l)]
46. Promulgate administrative rules establishing a licensing procedure for employing and empowering agencies' verification that applicants comply with licensing standards. [§§ 9(3)(a); 9b(3)(a); 9c(3)(a); 9d(4)(a)]
47. Promulgate administrative rules establishing a licensing procedure for employing and empowering agencies' attestation in writing, by submission of an executed affidavit and executed oath of office to the commission, that applicants satisfy the licensing standards. [§§ 9(3)(c); 9b(3)(c); 9c(3)(c); 9d(4)(c)]
48. Promulgate administrative rules establishing a licensing procedure for reviewing employing and empowering agencies' executed affidavit and executed oath of office, and granting a license. [§§ 9(4); 9b(4); 9c(4); 9d(5)]
49. Promulgate administrative rules establishing a licensing procedure for supervising the remediation of errors or omissions in the affidavit and oath of office. [§§ 9(5)(a); 9b(5)(a); 9c(5)(a); 9d(6)(a)]
50. Promulgate administrative rules establishing a licensing procedure for supervising the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards. [§§ 9(5)(b); 9b(5)(b); 9c(5)(b); 9d(6)(b)]
51. Promulgate administrative rules establishing a licensing procedure for supervising additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards. [§§ 9(5)(c); 9b(5)(c); 9c(5)(c); 9d(6)(c)]
52. Promulgate administrative rules establishing a licensing procedure for denying the issuance of a license and informing the employing or empowering agency. [§§ 9(5)(d); 9b(5)(d); 9c(5)(d); 9d(6)(d)]
53. Promulgate administrative rules providing for the revocation of law enforcement officer licenses. [§§ 9(12); 9a(5); 9b(12); 9c(11); 9d(13)]
54. Promulgate rules establishing in-service training programs and minimum courses of study and attendance requirements for licensed law enforcement officers. [§ 11(2)(a)]
55. Promulgate rules for the establishment and approval of law enforcement training academies. [§ 11(2)(b)]
56. Promulgate rules establishing minimum qualifications for instructors for law enforcement training academies. [§ 11(2)(c)]
57. Promulgate rules establishing minimum facilities and equipment for law enforcement training academies. [§ 11(2)(d)]

58. Promulgate rules establishing minimum standards and procedures for reserve officers. [§ 11(2)(e)]

Investigative Functions

59. Investigate alleged violations of 2016 PA 289 and administrative rules promulgated under the authority of that act. [§§ 10(1); 10(2); 10(3); 10(4)]

Enforcement Functions

60. Commence actions in the court of claims to compel compliance with 1965 PA 203 as amended, 1982 PA 302 as amended, and administrative rules promulgated under the authority of these acts. [§ 10(5)]

Legislative Recommendation Functions

61. Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers. [§ 11(1)(e)]

Michigan Justice Training Fund Act

Law Enforcement Distribution Payment Functions

62. Make law enforcement distributions, as follows:
- a. Conduct an annual registration of law enforcement agencies to verify each agency's roster of full-time and part-time law enforcement officers, and the number of hours for which they were compensated for employment as law enforcement officers in the most recent elapsed calendar year, capping the reported hours of compensation at 2,080 hours for any individual officer. [§ 3(1)]
 - b. Annually distribute 60% of the Michigan justice training fund for law enforcement distributions, in 2 semiannual installments, on dates determined by the commission. [§ 3(3)]
 - c. The law enforcement distribution shall be made on a per full-time equated basis to eligible entities based on the number of full-time equated law enforcement officers employed. For purposes of this subsection, the number of full-time equated law enforcement officers shall be determined by dividing the total number of hours reported by the eligible entity during the annual registration for which the eligible entity's full-time and part-time law enforcement officers were compensated for employment as law enforcement officers in the most recent elapsed calendar year by 2,080 hours, rounded down to the nearest whole number greater than or equal to 1. [§ 3(4)]
 - d. If the Michigan justice training fund has sufficient funds, an eligible entity whose number of full-time equated law enforcement officers does not support a minimum annual distribution of \$500.00 shall receive a minimum annual distribution of \$500.00. [§ 3(5)]
 - e. For each year, the percentage of law enforcement officers who provide direct law enforcement service receiving training under this act shall be equal to or greater than the percentage of law enforcement officers who are in full-time administrative positions receiving training under this act. [§ 3(6)]

Law Enforcement Distribution Management Functions

63. Monitor recipients' use and accounting of law enforcement distributions to ensure that the following restrictions are observed:
- a. Funds received from a law enforcement distribution shall be deposited and maintained in an account separate from all other funds. [§ 4(1)]

- b. Use shall only be for criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by law enforcement officers. [§ 4(2)(a)]
- c. Use for direct costs shall include only the following purposes:
 - i. Limited to the actual cost of training materials necessary to, and used solely during, the direct delivery of criminal justice in-service training. [§ 4(2)(b)(i)]
 - ii. Limited to the reasonable rental cost or purchase price of equipment necessary to and used solely during the direct delivery of criminal justice in-service training. An eligible entity shall not make an equipment purchase that exceeds \$5,000.00 or 10% of its annual law enforcement distribution without prior written approval of the commission. [§ 4(2)(b)(ii)]
 - iii. The rental of training facilities, only if adequate facilities owned or operated by the eligible entity are not available. [§ 4(2)(b)(iii)]
 - iv. A flat rate, tuition, or subscription paid to a training provider, other than the eligible entity, for the delivery of criminal justice in-service training as provided under this act, only if the training is registered through the MCOLES information and tracking network before the dates on which the training is conducted. [§ 4(2)(b)(iv)]
- d. Use for the costs incurred to participate in a criminal justice in-service training program shall include only the following purposes:
 - i. For tuition costs for in-state criminal justice in-service training, only if the training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted. [§ 4(2)(c)(i)]
 - ii. For in-state criminal justice in-service training participant travel reimbursement, only if the criminal justice in-service training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted. For purposes of this restriction, applicable reimbursement rates are those authorized for members of the state classified civil service. [§ 4(2)(c)(ii)]
 - iii. For in-state instructor travel reimbursement. For purposes of this provision, applicable reimbursement rates are those authorized for members of the state classified civil service. [§ 4(2)(c)(iii)]
 - iv. To pay the fees of a training consortium provider for the delivery of criminal justice in-service training to law enforcement officers of the eligible entity. For consortium fees paid as provided in this subparagraph, the eligible entity shall report the actual cost of each course attended. If a consortium fee is paid but the employees of the eligible entity were unable to attend the training, the eligible entity shall report this fact to the commission. The consortium training provider shall provide to the eligible entity an accounting of the training courses delivered to the eligible entity's law enforcement officers. [§ 4(2)(c)(iv)]
- e. Use for out-of-state criminal justice in-service training expenses shall include only the following purposes:
 - i. Tuition costs for out-of-state criminal justice in-service training, if the eligible entity submits an out-of-state special use request to the commission and the commission approves the expenditure prior to attendance. [§ 4(2)(d)(i)]
 - ii. Registration costs for out-of-state training conferences, if the eligible entity submits an out-of-state special use request to the commission, the commission approves the expenditure prior to attendance, and the training is conducted for not less than 6 hours within any 24-hour period. [§ 4(2)(d)(ii)]
 - iii. Travel costs, if for the purpose of participating in a learning experience produced through reading, listening, observing, problem-solving, or

- interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and judgment directly related to the performance of professional criminal justice tasks currently assigned or assignable. [§ 4(2)(d)(iii)]
- iv. Travel costs, if required to obtain or maintain skills or certification in a field of specialization related to the execution of the duties of law enforcement officers provided to the general public or related to the execution of administrative duties that enhance the ability of law enforcement officers to perform duties provided to the general public. [§ 4(2)(d)(iv)]
 - v. Use for out-of-state criminal justice in-service training expenses is not authorized unless the course is registered through the MCOLES information and tracking network prior to the dates on which the training is conducted, and either the course provides certification in a field of specialization that is not available in this state, or the course provides instruction that is not available in this state. [§ 4(3)]
 - f. Use is not authorized for any of the following:
 - i. Training individuals who are not law enforcement officers. [§ 4(4)(a)]
 - ii. Travel expenditures in excess of or in violation of the expenditure rates authorized for members of the state classified civil service. [§ 4(4)(b)]
 - iii. Alcoholic liquor. [§ 4(4)(c)]
 - g. For eligible entities that were eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted October 12, 1982, for criminal justice in-service training of the law enforcement officers it employs. [§ 4(5)]
 - h. For eligible entities that did not elect to receive or were not eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted for the year immediately preceding the first year for which the eligible entity received law enforcement distributions, for criminal justice in-service training of the law enforcement officers it employs. [§ 4(6)]
 - i. An eligible entity receiving a law enforcement distribution shall expend the entire distribution within 2 years after the end of the calendar year in which it was received. If the eligible entity fails to expend the entire distribution within that period, it is not eligible to receive further law enforcement distributions until the entire distribution is expended for criminal justice in-service training, and reported as prescribed by the commission. [§ 4(7)]
 - j. If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately return unexpended law enforcement distribution funds in a manner prescribed by the commission. Funds returned as provided in this subsection shall be segregated and shall be used only for law enforcement distributions. [§ 4(8)]
 - k. Determine that an eligible entity has expended law enforcement distribution funds in violation of this act, and upon doing so, do either of the following:
 - i. Declare the eligible entity ineligible to receive further law enforcement distributions for a period determined by the commission and require it to immediately return the funds expended in violation of this act in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions. [§ 4(9)(a)]
 - ii. Require the eligible entity to immediately return all unexpended law enforcement distribution funds, in addition to the funds expended in violation

of this act. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions. [§ 4(9)(b)]

- l. Beginning with the annual registration that follows the effective date of the amendatory act that added this subsection, determine that funds received in a law enforcement distribution have not been expended within 5 years after the year in which they were received, and upon doing so, ensure that the funds are immediately returned in a manner prescribed by the commission, and that the funds are segregated and used only for law enforcement distributions. [§ 4(10)]
- m. An eligible entity receiving law enforcement distribution funds shall maintain records of law enforcement distribution revenues and expenditures separate from other funding sources. [§ 5(1)]
- n. An eligible entity receiving law enforcement distribution funds shall report to the commission on expenditures of those funds in a manner and on intervals prescribed by the commission. Each criminal justice in-service training program financed in whole or in part by law enforcement distribution funds shall be separately identified. [§ 5(2)]
- o. If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately provide the commission with a final accounting of expenditures of law enforcement distribution funds for all years since the eligible entity last reported. [§ 5(3)]

Justice Training Fund Grants Issuance Functions

64. Issue grants as follows:
- a. The commission shall not award grants to a professional association. [§ 6(a)]
 - b. The commission may award grants using written grant agreements to which the commission and grantee are parties. [§ 6(b)]
 - c. Grantees shall submit applications for grant awards to the commission in the manner prescribed by the commission. The commission shall publish grant application procedures. [§ 6(c)]

Justice Training Fund Grants Management Functions

65. Monitor recipients' use and accounting of grants to ensure that the following restrictions are observed:
- a. A grantee shall expend funds from a grant award only as follows:
 - i. To provide criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by employees of the grantee or by employees of other grantees. [§ 7(1)(a)]
 - ii. To provide criminal justice in-service training presented by a grantee or by a contractual service provider retained by a grantee. [§ 7(1)(b)]
 - iii. To pay the actual cost of criminal justice in-service training materials necessary to, and used during, the direct delivery of criminal justice in-service training. [§ 7(1)(c)]
 - iv. To pay the reasonable rental cost or purchase price of equipment necessary to, and used solely during, the direct delivery of criminal justice in-service training. [§ 7(1)(d)]
 - v. To pay the reasonable hourly salaries of instructors and developers for actual time spent developing, preparing, and delivering criminal justice in-service training. [§ 7(1)(e)]
 - b. A grantee shall not expend funds from a grant award for any of the following:
 - i. Travel expenditures in excess of the expenditure rates authorized for members of the state classified civil service. [§ 7(2)(a)]

- ii. Travel costs incurred to participate in a criminal justice in-service training program, unless the program is solely for criminal justice in-service training for which the expenditure of grant funds is authorized under this act. [§ 7(2)(b)]
 - iii. Alcoholic liquor. [§ 7(2)(e)]
 - iv. Expenditures related to criminal justice in-service training courses for which grant funding has not been approved. [§ 7(2)(d)]
 - v. Expenditures for goods and activities not related to criminal justice in-service training. [§ 7(2)(e)]
- c. Determine that a grantee has expended grant award funds in violation of this act, and upon doing so, do either of the following:
- i. Declare the grantee ineligible to receive further grant awards for a period to be determined by the commission. [§ 7(3)(a)]
 - ii. Terminate 1 or more grant awards, and require the grantee to immediately return grant award funds expended in violation of this act, in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of 2016 PA 289 and 2016 PA 290, or for grant awards. [§ 7(3)(b)]
- d. Determine that a grantee is no longer operating, and upon doing so, require the unit of government with which it is affiliated, or any other constituent or successor entity of the grantee, to immediately provide the commission with a final accounting of all expenses incurred for criminal justice in-service training that was delivered, and terminate all current grant awards. [§ 7(4)]
- e. Grantees shall maintain records of grant revenues and expenditures separate from other funding sources. [§ 8(1)]
- f. Grantees shall report to the commission all expenditures of funds received from the Michigan justice training fund, in a manner and at intervals prescribed by the commission. Each training program financed in whole or in part by a grant award from the Michigan justice training fund shall be separately identified in the report. [§ 8(2)]
- g. Ensure that criminal justice in-service training courses are registered through the MCOLES information and tracking network, and that if a course is not registered through the MCOLES information and tracking network, law enforcement distribution funds and grant award funds shall not be expended for the costs of those courses. [§ 8a(1)]
- h. Ensure that eligible entities and grantees shall report to the commission the training participants who attended each training session for which funding was provided in whole or in part by this act, in a manner and at intervals prescribed by the commission. [§ 8a(2)]

Justice Training Fund Administrative Functions

66. Pay the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act, and administering and enforcing the statutory requirements of 2016 PA 289. [§ 2(4)(b)]
67. Use funds from the Michigan justice training fund that are not distributed in a fiscal year, as follows:
- a. Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed as law enforcement distributions shall remain in the Michigan justice training fund and may be used in future years for purposes of law enforcement distributions. [§ 2(5)]

- b. Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be used for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, shall remain in the Michigan justice training fund and may be used in future fiscal years for those purposes. [§ 2(6)]
- c. Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed to fund current or future grant awards shall remain in the Michigan justice training fund and may be used in future fiscal years for that purpose. [§ 2(7)]

Justice Training Fund Auditing Functions

- 68. Facilitate audits of the books, records, and accounts pertaining to the Michigan justice training fund. [§ 9]

Justice Training Fund Rule Promulgation Functions

- 69. Promulgate administrative rules governing the administration and use of the Michigan justice training fund. [§ 10]

EXECUTIVE ORDER 2001-5

- 70. Focus activities on increasing professionalism. [¶ I. D. 1.]
- 71. Focus activities on increasing the number of law enforcement organizations that offer formal in-service training and increase the number of law enforcement officers who receive formal in-service training. [¶ I. D. 2.]
- 72. Focus activities on instituting law enforcement in-service training standards applicable to all law enforcement in-service training in Michigan increasing professionalism. [¶ I. D. 3.]
- 73. Focus activities on implement a web-based information system that will allow the Commission to accomplish its goals and communicate with Michigan law enforcement organizations in a more efficient manner. [¶ I. D. 4.]
- 74. Focus activities on ensuring that grants awarded by the Commission to Michigan law enforcement organizations advance the objectives listed in subparagraphs D.1. through D.3. [¶ I. D. 5.]
- 75. The executive director shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order. [¶ II. B.]

Public Safety Officers Benefit Act

- 76. Determine whether a public safety officer has died or is permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty, and upon doing so, pay a benefit of \$25,000.00. [§ 4(1)]
- 77. Make an interim benefit payment of not more than \$3,000.00, and deduct that amount from any final benefit paid. [§§ 5(1); 5(2)]
- 78. Demand or waive repayment of an interim benefit if a final benefit is not paid because the death or the permanent and total disability of the public safety officer is determined not to be covered. [§ 5(3)]
- 79. Deny a benefit upon a determination that any of the following has occurred:

- a. The personal injury that resulted in death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by his or her intent to bring about the injury. [§ 6(a)]
- b. The public safety officer was voluntarily intoxicated at the time the personal injury occurred. [§ 6(b)]
- c. The public safety officer was performing his or her duties in a grossly negligent manner at the time the personal injury occurred. [§ 6(c)]
- d. The injury was the direct and proximate result of the actions of an individual to whom payment would be made under this act. [§ 6(d)]

Chapter III of the Code of Criminal Procedure

- 80. Establish quality standards for the audiovisual recording of statements in custodial interrogations. [§ 11(1)]
- 81. Establish standards for geographic accessibility of equipment in the state. [§ 11(1)]
- 82. Conduct an assessment of the initial cost necessary for law enforcement agencies to purchase audiovisual recording equipment within 120 days after the effective date of the amendments imposing this requirement. [§ 11(1)]
- 83. Conduct subsequent assessments regarding the necessary costs of purchasing, upgrading, or replacing the equipment every 2 years. [§ 11(1)]
- 84. Recommend to the legislature each year an annual appropriation amount to be determined by the commission's bi-annual assessment. [§ 11(2)]

Michigan Retired Law Enforcement Officer's Firearm Carry Act

- 85. Establish requirements and procedures through which a qualified retired law enforcement officer may be certified to carry a concealed firearm under 18 USC 926C and this act. [§ 3]
- 86. Establish requirements and procedures through which certification under 18 USC 926C and this act may be denied or revoked. [§ 3]
- 87. Promulgate rules to implement this act in accordance with the administrative procedures act of 1969, 1969 PA 306. [§ 3]
- 88. Establish application requirements and procedures in order to verify the identity of an applicant, to conduct a complete criminal history, and to conduct a background investigation into an applicant's fitness to carry a concealed firearm under 18 USC 926C and this act. [§ 5(1)]
- 89. Request the department of state police to conduct a criminal records check through the state of Michigan and the federal bureau of investigation. [§ 5(2)]
- 90. The commission shall require the individual to submit his or her fingerprints to the department of state police in a manner prescribed by the department of state police for that purpose. [§ 5(2)]
- 91. Create an application form for certification under this act. The applicant shall sign the application acknowledging that all information contained in the application is true and accurate. [§ 6(1)]
- 92. Issue a certificate to a qualified retired law enforcement officer who has complied with the active duty firearms standard and is eligible to carry a concealed firearm under 18 USC 926C and this act. [§ 7(1)]
- 93. Create and maintain a computerized database of individuals who apply for a certificate under this act, containing only:
 - a. The individual's name, date of birth, address, and county of residence. [§ 10(1)(a)]
 - b. The certificate number and date of expiration. [§ 10(1)(b)]
 - c. A statement of the reasons for denial of certification. [§ 10(1)(c)]

- d. A statement of all criminal charges pending and criminal convictions obtained against the individual during the certificate period. [§ 10(1)(d)]
- e. A statement of all determinations of responsibility for civil infractions of this act pending or obtained against the individual during the certificate period. [§ 10(1)(e)]
- 94. Delete from the computerized database the previous reasons for the denial of certification if an individual who was denied a certificate is subsequently issued a certificate. [§ 10(2)]
- 95. Provide the information described in subsection (1)(a) and (b) to the department of state police in a manner prescribed by the department of state police for dissemination through the law enforcement information network. [§ 10(3)]
- 96. Identify public entities eligible to administer the active duty firearm standard to qualified retired law enforcement officers for purposes of carrying out 18 USC 926C and this act. [§ 11]
- 97. Expend money from the retired law enforcement officer safety fund, upon appropriation, only for the purposes of this act. [§ 13(5)]