



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 476 (as introduced 5-25-21)  
Sponsor: Senator Jim Ananich  
Committee: Judiciary and Public Safety

Date Completed: 5-26-21

**CONTENT**

**The bill would enact the "Reporting of Law Enforcement Officer Misconduct Privacy Act" to do the following:**

- **Prohibit a person from knowingly disclosing information in a misconduct complaint against a law enforcement officer that personally identified the individual who filed the complaint, except under certain circumstances.**
- **Prescribe a civil infraction for a violation of the Act.**

The proposed Act would prohibit a person from knowingly disclosing information in a misconduct complaint filed against a law enforcement officer that personally identified the individual who filed the complaint. "Person" would mean a law enforcement agency, the Department of State Police, the Department of the Attorney General, an individual who knows the identity of the complainant, an attorney receiving a misconduct complaint under the Act, or any other body authorized to receive misconduct complaints against law enforcement officers. "Law enforcement agency" would mean an entity that is established and maintained in accordance with the laws of the State and is authorized by the laws of the State to appoint or employ law enforcement officers. "Law enforcement officer" would mean that term as defined in the Michigan Commission on Law Enforcement Standards Act.

"Misconduct" would mean any of the following:

- The use of excessive force by a law enforcement officer that results in the death of an individual.
- The use of excessive force by a law enforcement officer that results in serious bodily harm to an individual.
- The performance of a law enforcement officer's duty that is unauthorized, unlawful, abusive, negligent, reckless, or injurious.

Information in a misconduct complaint filed against a law enforcement officer that personally identified the individual who filed the complaint could be disclosed only in one or more of the following circumstances:

- By the individual who filed the complaint.
- With the written permission of the individual who filed the complaint.
- Pursuant to a court order.
- To the law enforcement officer, defense attorney, or prosecutor if criminal charges were filed against the officer against whom the complaint was filed.

- To an arbitration panel, if the misconduct complaint were subpoenaed in an arbitration proceeding.
- To an administrative judge, if the misconduct complaint were subpoenaed in an administrative hearing.

A person who violated the Act would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$500.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill could have a positive fiscal impact on the State and local units of government. Revenue collected from civil fines would be used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

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.