

Legislative Analysis



CONFIDENTIALITY IN LAW ENFORCEMENT OFFICER MISCONDUCT COMPLAINTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6121 as introduced
Sponsor: Rep. Donavan McKinney
Committee: Criminal Justice
Complete to 12-10-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6121 would create a new act, the Reporting of Law Enforcement Officer Misconduct Privacy Act, to prohibit the disclosure of the identity of certain individuals who report incidents of law enforcement officer *misconduct* and to provide for civil penalties for violations of the act's provisions.

Misconduct would mean the performance of a law enforcement officer's duty that is unauthorized, unlawful, negligent, reckless, or injurious.

The bill would allow individuals who file police misconduct complaints to request that their personally identifying information (e.g., name, phone number, address) be kept confidential. A person who knowingly discloses that confidential information would be responsible for a state civil infraction and could be ordered to pay a civil fine of up to \$500.

The bill would also provide for exceptions to the above disclosure restrictions. Specifically, the new act would allow disclosure of a complainant's personally identifying information only in one or more of the following circumstances:

- By the individual who filed the misconduct complaint.
- With the written permission of the individual who filed the misconduct complaint.
- Pursuant to a court order.
- To a defendant, defense attorney, or prosecutor if criminal charges are filed.
- To an arbitration panel, if the misconduct complaint is subpoenaed in an arbitration proceeding.
- To an administrative judge, if the misconduct complaint is subpoenaed in an administrative hearing.
- To a person designated by a law enforcement agency to receive and investigate misconduct complaints.
- To a law enforcement officer, if necessary for an internal investigation.

The bill would take effect 90 days after being enacted.

FISCAL IMPACT:

House Bill 6121 would have an indeterminate fiscal impact on the state and local units of government. The bill would authorize the issuance of a civil fine of not more than \$500 to persons who unlawfully disclose personally identifying information about individuals who have filed a misconduct complaint against a law enforcement officer. Revenue collected from

payment of civil fines is used to support public and county law libraries. Under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state's Justice System Fund, which supports justice-related programs in the judicial branch and legislative branch, as well as the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur under the provisions of the bill, estimates of the revenue collected by the state, the revenue for libraries, or the costs to local courts cannot be made.

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