

**SUBSTITUTE FOR
HOUSE BILL NO. 6121**

A bill to protect the privacy of individuals who report certain incidents of law enforcement officer misconduct; to prohibit the disclosure of the identity of individuals who report certain incidents of law enforcement officer misconduct; to provide exceptions to the prohibition from disclosure; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "reporting of law
2 enforcement officer misconduct privacy act".

3 Sec. 3. As used in this act:

4 (a) "Law enforcement agency" means an entity that is
5 established and maintained in accordance with the laws of this
6 state and is authorized by the laws of this state to appoint or



1 employ law enforcement officers.

2 (b) "Law enforcement officer" means that term as defined in
3 section 2 of the Michigan commission on law enforcement standards
4 act, 1965 PA 203, MCL 28.602.

5 (c) "Misconduct" means the performance of a law enforcement
6 officer's duty that is unauthorized, unlawful, negligent, reckless,
7 or injurious.

8 (d) "Person" means a law enforcement agency, the department of
9 state police, the department of the attorney general, an individual
10 who knows the identity of the complainant, an attorney receiving a
11 misconduct complaint under this act, or any other body or
12 individual authorized to receive or investigate misconduct
13 complaints against law enforcement officers.

14 Sec. 5. Except as provided in this act or otherwise required
15 by law, if requested by the individual who filed a misconduct
16 complaint to keep the individual's identity confidential, a person
17 shall not knowingly disclose information in a misconduct complaint
18 filed against a law enforcement officer that personally identifies
19 the individual who filed the misconduct complaint.

20 Sec. 7. Information in a misconduct complaint filed against a
21 law enforcement officer that personally identifies the individual
22 who filed the misconduct complaint may be disclosed only in 1 or
23 more of the following circumstances:

24 (a) By the individual who filed the misconduct complaint.

25 (b) With the written permission of the individual who filed
26 the misconduct complaint.

27 (c) Pursuant to a court order.

28 (d) To a defendant, defense attorney, or prosecutor if
29 criminal charges are filed.



1 (e) To an arbitration panel, if the misconduct complaint is
2 subpoenaed in an arbitration proceeding.

3 (f) To an administrative judge, if the misconduct complaint is
4 subpoenaed in an administrative hearing.

5 (g) To a person designated by a law enforcement agency to
6 receive and investigate misconduct complaints.

7 (h) To a law enforcement officer, if necessary for an internal
8 investigation.

9 Sec. 9. A person that violates this act is responsible for a
10 state civil infraction and may be ordered to pay a civil fine of
11 not more than \$500.00.

