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BILL ANALYSIS

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Senate Bills 1092, 1093, and 1099 (Substitute S-2 as reported)

Sponsor: Senator Jeff Irwin (S.B. 1092)

Senator Ruth Johnson (S.B. 1093)

Senator Sarah Anthony (S.B. 1099)

Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 1092 (S-2) would amend the Michigan Commission on Law Enforcement Officers Act to do the following:

- By October 1, 2024, require the Michigan Commission on Law Enforcement Standards (MCOLES) to research and establish curriculum standards for training in de-escalation techniques, implicit bias, procedural justice, crisis intervention, and behavioral health resources and support.
- Beginning July 1, 2025, require an individual seeking to become licensed as a law enforcement officer, Tribal law enforcement officer, fire arson investigator, or private college security officer to complete the training.
- By July 1, 2026, require already-licensed law enforcement officers to complete the training.
- Prescribe continuing education requirements for the curriculum standards.
- Beginning July 1, 2027, require a law enforcement officer to complete at least 24 hours of continuing education every two years.
- Require MCOLES to adopt a model policy for training standards and make the policy available within six months of the bill's effective date.
- Require each law enforcement agency to adopt a written policy stating that each of its law enforcement officers would have to use de-escalation techniques to the extent reasonable and as safely as possible.
- Require MCOLES to promulgate rules to ensure compliance with the bill.

Senate Bill 1093 (S-2) would enact the "Law Enforcement Officer Duty to Intervene Act" to require each law enforcement agency to adopt a duty to intervene policy within 12 months of the bill's effective date and require agencies to provide a copy of the policy to their employees.

Senate Bill 1099 (S-2) would amend the Michigan Commission on Law Enforcement Standards Act to do the following:

- Require individuals licensed as law enforcement officers to undergo a comprehensive background investigation to determine character fitness, among other licensing requirements.
- Require an employing agency to review an officer's separation of service record before executing an oath.
- Require an employing agency to attest to MCOLES that an officer satisfied licensing requirements and include any documentation requested by MCOLES.
- Allow MCOLES to grant a license to an individual upon determination that the individual could be brought into compliance with licensing standards through additional screening, procedures, examinations, testing or other means of verifying compliance provided that the individual agreed to comply with the additional means and voluntarily relinquish the license upon failure to comply.

- Require a law enforcement agency to report to MCOLES if an officer in its employ were the subject of certain criminal charges, the imposition of a personal protective order, the imposition of an extreme risk protection order (ERPO), or a conviction prohibiting an individual from handling a firearm for three years.
- Require an officer to report to MCOLES the imposition of a personal protective order or ERPO against the officer and a conviction prohibiting an individual from handling a firearm for three years.
- Require a license to lapse if an officer did not comply with continuing education requirements promulgated by MCOLES.
- Require MCOLES to revoke a license of an individual who was convicted of a misdemeanor involving domestic violence for assault and battery against specific individuals, among other reasons for revocation.
- Allow MCOLES to revoke a license if an individual were not eligible to handle a firearm or ammunition under State and Federal Law and specify MCOLES would have to promulgate rules for this type of revocation.

Senate Bills 1092 and 1093 are tie-barred to Senate Bill 1099. Senate Bill 1099 is tie-barred to Senate Bills 1092 and 1093.

MCL 28.609 et al. (S.B. 1092)
 28.609 et al. (S.B. 1099)

BRIEF RATIONALE

According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, standardized and transparent training requirements and duty to intervene policies increase the public trust and improve safety in law enforcement's facilitation of justice. Some believe that law enforcement officers should be held to the same standards across the State and from agency to agency. It has been suggested to codify in State law specific trainings and expectations of law enforcement officers so that the standards are consistent across the State.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 1092 (S-2)'s provisions could result in additional training costs at an amount difficult to determine at this time for State and local law enforcement. The bill would require MCOLES to research and identify any gaps in officer training and develop training standards and curriculum for those training gaps, including training in de-escalation techniques, implicit bias, procedural justice, behavioral health resources and support available, and crisis intervention techniques. All licensed officers would be required to meet those standards as developed and approved by MCOLES, by July 1, 2026. The bill also would require MCOLES and local and State law enforcement agencies to adopt a written policy that each law enforcement officer would have to use as de-escalation techniques. Potential costs associated with the bill's provisions would be mostly found in its requirement that licensed law enforcement officers complete at least 12 hours of continuing education in the identified subjects prior to July 1, 2027, and the requirement that beginning July 1, 2027, all 18,600 licensed law enforcement officers in the State complete at least 24 hours every two years of continuing education related to those subjects. The bill also would require MCOLES to promulgate rules to implement its provisions. For most of the State's 573 law enforcement agencies, there could be costs related in complying with the bill's requirements, including costs related to filling positions that could be temporarily vacated due to employee training requirements.

While there is no appropriation attached to the bill, MCOLES already addresses training needs in the training subjects required under the bill, though perhaps not to the precise extent and time frame the bill would require. In-service training, Continuing Professional Education (CPE), has also been established and is being administered by MCOLES. This effort received a \$20.0 million General Fund/General Purpose (GF/GP) one-time start-up funding under supplemental appropriations from Public Act 1 of 2023. Subsequently, \$18.3 million GF/GP under Fiscal Year (FY) 2023-24 and FY 2024-25 annual appropriations has been appropriated for this purpose, and MCOLES is also operating a CPE pilot program based upon research and law enforcement job task analysis, a program similar to the provisions outlined in the bill. It should be noted that the appropriations made to MCOLES for officer training and CPE over the last two years are designated for all law enforcement training needs as identified by MCOLES and not just the training subjects outlined in the bill. The extent that the bill would exceed training requirements already under current MCOLES priorities and procedures would determine the additional cost of the bill.

Senate Bill 1093 (S-2) would have a negligible fiscal impact on State and local law enforcement agencies, requiring them to develop "duty to intervene" policies that contain certain procedural requirements proposed under the bill.

Senate Bill 1099 (S-2) would have a moderate fiscal impact on State and local law enforcement agencies, amending and adding certain law enforcement officer licensing requirements and powers established for law enforcement agencies and MCOLES, which should largely be supported by existing revenues.

Date Completed: 12-9-24

Fiscal Analyst: Bruce R. 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.