



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1101 (as introduced 11-13-24)  
Sponsor: Senator Mary Cavanagh  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-3-24

**CONTENT**

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

- **Prohibit a person from disclosing a filer's personally identifying information in a misconduct complaint filed against a law enforcement officer.**
- **Specify circumstances under which a filer's personal identifying information could be disclosed.**
- **Prescribe a State civil infraction and a maximum civil fine of \$500 for violating the Act.**

Except as provided below or otherwise required by law, if requested by the individual who filed a misconduct complaint to keep the individual's identity confidential, a person could not knowingly disclose information in a misconduct complaint filed against a law enforcement officer that personally identified the individual who filed the misconduct complaint.

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

"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 or individual authorized to receive or investigate misconduct complaints against law enforcement officers.

"Law enforcement agency" would mean an entity that is established and maintained in accordance with State laws and is authorized by State law to appoint or employ law enforcement officers. "Law enforcement officer" would mean that term as defined in Section 2 of the Michigan Commission on Law Enforcement Standards Act (see **BACKGROUND**).

Information in a misconduct complaint filed against a law enforcement officer that personally identified the individual who filed the misconduct complaint could be disclosed 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 were 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.

- 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.

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

## **BACKGROUND**

Under the Michigan Commission on Law Enforcement Standards Act, the term "law enforcement officer" broadly refers to an individual employed by a law enforcement agency with the authority to prevent and detect crime and to enforce State laws. The term encompasses a range of positions, including the following:

- State, Tribal, and Legislative officers.
- Specialized and local officers, such as conservation officers, township constables, marshals, park rangers, police officers, and officers appointed by certain local governments.
- University and educational officers, including public safety officers employed by community colleges, universities, and certain authorized institutions.
- Public transportation officers, such as transit and railroad police and airport security.
- Certain investigators, including Medicaid fraud investigators, highway reciprocity board officers, fire arson investigators, and prosecuting attorney's investigators.

Under the Act, certain individuals, although involved with security or enforcement, are not considered law enforcement officers under the definition, including citation issuers, Michigan Department of Agricultural and Rural Development personnel with limited peace officer authority, certain non-licensed or volunteer officers, railroad conductors, and other inspectors and agents with limited authority.

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The bill could have a positive fiscal impact on the State and local units of government. The bill would impose a civil fine of up to \$500. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund, which 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 dependent on the actual number of violations. The bill would have no fiscal impact on State or local courts or the Attorney General's office.

Fiscal Analyst: Bruce R. Baker  
Joe Carrasco, Jr.  
Michael Siracuse

SAS\S2324\s1101sa

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.