



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1022 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Commission on Law Enforcement Standards Act to do the following:

- Require a law enforcement agency to maintain a record of the reasons for, and circumstances surrounding, a law enforcement officer's separation of service with the agency.
- Require an agency to allow a separating officer to review the separation record, upon his or her request, and to submit a written statement explaining the officer's disagreement with the record.
- Require a law enforcement officer to sign a waiver allowing a prospective employing agency to contact his or her former employing agency and seek a copy of the officer's separation record.
- Require a waiver to be executed on a form provided by the Michigan Commission on Law Enforcement Standards (MCOLES) to all law enforcement agencies in Michigan that employ certified officers.
- Require a former employing agency to give a copy of an officer's separation record to the prospective employing agency, upon receiving a waiver.
- Provide that a former employing agency disclosing information in good faith after receiving a waiver would be immune from civil liability for the disclosure, and establish a presumption of good faith.

The bill would take effect 90 days after its enactment.

Proposed MCL 28.609e & 28.609f

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a nominal fiscal impact on State and local law enforcement agencies. Local agencies already maintain and share officer employment records and commonly engage in information disclosure agreements with prospective employees. Currently, MCOLES provides "best practices" advice for agencies in hiring matters. Under the bill, the Commission would provide the required waiver forms, using existing resources.

Date Completed: 7-20-16

Fiscal Analyst: Bruce Baker