

# SENATE BILL NO. 1166

October 01, 2020, Introduced by Senators ANANICH, CHANG, HERTEL, WOJNO, SANTANA, MOSS, BRINKS, BULLOCK, POLEHANKI, GEISS, MCMORROW, BAYER, IRWIN and HOLLIER and referred to the Committee on Judiciary and Public Safety.

An act to protect the privacy of individuals that report certain incidents of law enforcement officer misconduct; to prohibit the disclosure of the identity of individuals that 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 shall be known and may be cited as the
- 2       "reporting of law enforcement officer misconduct privacy act".
- 3       Sec. 3. As used in this act:

1 (a) "Law enforcement agency" means an entity that is  
2 established and maintained in accordance with the laws of this  
3 state and is authorized by the laws of this state to appoint or  
4 employ law enforcement officers.

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

8 (c) "Misconduct" means any of the following:

9 (i) The use of excessive force by a law enforcement officer  
10 that resulted in the death of an individual.

11 (ii) The use of excessive force by a law enforcement officer  
12 that resulted in serious bodily harm to an individual.

13 (iii) The performance of a law enforcement officer's duty that  
14 is unauthorized, unlawful, abusive, negligent, reckless, or  
15 injurious.

16 (d) "Person" means a law enforcement agency, the department of  
17 state police, the department of the attorney general, an individual  
18 that knows the identity of the complainant, an attorney receiving a  
19 misconduct complaint under this act, or any other body authorized  
20 to receive misconduct complaints against law enforcement officers.

21 Sec. 5. A person shall not knowingly disclose a misconduct  
22 complaint or information in a misconduct complaint filed against a  
23 law enforcement officer that personally identifies the individual  
24 who filed the misconduct complaint.

25 Sec. 7. A misconduct complaint or information in a misconduct  
26 complaint filed against a law enforcement officer that personally  
27 identifies the individual who filed the misconduct complaint may be  
28 disclosed only in 1 or more of the following circumstances:

29 (a) By the individual that filed the misconduct complaint.

1           (b) With the written permission of the individual that filed  
2 the misconduct complaint.

3           (c) Pursuant to a court order.

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