

SENATE BILL NO. 476

May 25, 2021, Introduced by Senators ANANICH, HOLLIER, BULLOCK, CHANG, GEISS, IRWIN, MOSS, BRINKS, WOJNO, HERTEL, POLEHANKI and BAYER 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 results in the death of an individual.

11 (ii) The use of excessive force by a law enforcement officer
12 that results 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 information in a
22 misconduct complaint filed against a law enforcement officer that
23 personally identifies the individual who filed the misconduct
24 complaint.

25 Sec. 7. Information in a misconduct complaint filed against a
26 law enforcement officer that personally identifies the individual
27 who filed the misconduct complaint may be disclosed only in 1 or
28 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 (d) To the law enforcement officer, defense attorney, or
5 prosecutor if criminal charges are filed against the law
6 enforcement officer against whom the misconduct complaint is filed.

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

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

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