



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

BILL ANALYSIS



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

Senate Bills 1097 and 1098 (as reported without amendment)
Sponsor: Senator Jeremy Moss (S.B. 1097)
Senator Stephanie Chang (S.B. 1098)
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 1097 would amend the Law Enforcement Officer Separation of Service Record Act to do the following:

- Rename the Act the "Law Enforcement Officer Service Records Act".
- Create Article 2 (Law Enforcement of Service Records) to modify current requirements of law enforcement agencies to maintain separation of service records for law enforcement officers.
- Require a former employing agency to include in a separation record for a law enforcement officer who separated from employment any investigations or disciplinary records.
- Require a separated officer seeking reemployment as an officer to provide the prospective employing agency with a waiver for release of the officer's service record upon application for employment, instead of upon an offer of conditional employment.
- Create Article 3 (Law Enforcement Officer Provisional Service Record) to allow a current employing agency to create and maintain a provisional record upon receipt of a wavier for release of information.
- Prescribe the finalization process for service records and provisional records.
- Require an employing law enforcement agency to notify a separating law enforcement officer of the finalization of a record and the officer's right to disagree or request the record be corrected within three days of finalization.
- Prescribe the process for a law enforcement officer to request that a record be corrected and the process if the officer and agency could not reach an agreement on the requested correction.

Senate Bill 1098 would amend the Employee Right to Know Act to do the following:

- Specify that an employer's responsibility to review a personnel record and delete disciplinary reports, letters of reprimand, and other records of disciplinary action more than four years older before releasing any information to a third party would not apply to a provisional record proposed under Senate Bill 1097.
- Allow an employer to release criminal activity investigation information to a prospective employing law enforcement agency if it were included in an employee's provisional service record proposed under Senate Bill 1097.

Senate Bill 1098 is tie-barred to Senate Bill 1097.

MCL 28.651 et al (S.B. 1097)
423.507 & 423.509 (S.B. 1098)

BRIEF RATIONALE

Separation of service records are maintained by a law enforcement agency for each officer it employs and must include the reasons and circumstances surrounding an officer's separation

of service. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, it is not uncommon for separation of service records to not include the full scope of the circumstances surrounding the separation or have no record for officers who have not yet separated but are applying for a new job. Accordingly, it has been suggested to allow an agency to create provisional service records and to expand the scope of what would have to be included in a record.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 1097 would have a moderate fiscal impact on State and local law enforcement agencies, amending and adding certain law enforcement officer licensing requirements, employee record keeping, and powers established for law enforcement agencies and Michigan Commission on Law Enforcement Standards, which should largely be supported by existing revenues.

Senate Bill 1098 would have no fiscal impact on State or local government.

Date Completed: 12-7-24

Fiscal Analyst: Bruce R. Baker

SAS\Floors2324\sb1097

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.