

## FINGERPRINTING AND BACKGROUND CHECK PRIOR TO CERTAIN LAW ENFORCEMENT TRAINING

Phone: (517) 373-8080  
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**Senate Bill 524 (S-1) reported from committee w/o amendment**

Analysis available at  
<http://www.legislature.mi.gov>

**Sponsor: Sen. Rick Jones**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

*(Enacted as Public Act 198 of 2017)*

**Complete to 10-13-17**

**BRIEF SUMMARY:** Senate Bill 524 would amend the Michigan Commission on Law Enforcement Standards (MCOLES) Act by requiring fingerprinting and background checks prior to entering law enforcement academies.

**FISCAL IMPACT:** This bill would likely have no fiscal impact on MSP or MCOLES. This bill would require that applicants to law enforcement training academies submit their fingerprints to the MSP in order for the department to conduct criminal history background checks on the individuals and report findings to MCOLES if a criminal history record was discovered. The total cost of conducting a criminal history background check is \$42, which includes searches of state-level (\$32) and FBI (\$10) databases. This bill would allow the MSP to collect fees from the applicants in order to cover the costs of conducting the criminal history background checks. The requirement to retain applicants' fingerprints in the Automated Fingerprint Identification System would be covered by existing appropriations, as the MSP already operates and maintains this system.

### **THE APPARENT PROBLEM:**

A violation or an attempted violation of certain crimes prohibits a law enforcement applicant from being sworn in as an officer,<sup>1</sup> yet that same applicant may complete training in a law enforcement academy. This is because current practice does not involve a full criminal history information check on an applicant before they enter a law enforcement academy, as MCOLES does not have the authority to gain information from the Michigan State Police regarding fingerprints submitted for a background check. The bill sponsor recently stated in a press release, "These important checks are the only way for the state to know if police academy applicants have criminal records. Without this safety check, it's possible that our training academies could be providing firearms training to violent offenders."<sup>2</sup> This bill seeks to allow law enforcement academies to screen applicants for the ability to deny potential trainees with violent felonies on their criminal records.

<sup>1</sup> See MCL 28.609(12), 28.609b(12), 28.609c(11), and 28.609d(13).

<sup>2</sup> Press Release, Senator Rick Jones, [House panel approves Jones' police academy background check bill](http://www.senatorrickjones.com/house-panel-approves-jones-police-academy-background-check-bill/) (Oct. 10, 2017), <http://www.senatorrickjones.com/house-panel-approves-jones-police-academy-background-check-bill/>.

## ***THE CONTENT OF THE BILL:***

The Act created MCOLES to carry out the provisions therein. Section 9 of the Act applies to all law enforcement officers, except those listed in Sections 9a (elected or appointed to the office of Sheriff), 9b (tribal law enforcement officers), 9c (fire arson investigators who meet certain criteria), and 9d (private college security officers who meet certain criteria).

The bill would amend Sections 9, 9b, 9c, and 9d to require all applicable law enforcement officers (excluding Sheriffs) to submit fingerprints to the Michigan State Police (MSP) for the purpose of conducting a criminal history record information check. This requirement would be applicable only to those previously mentioned who seek any of the following:

- Admission to a preservice college basic law enforcement training academy;
- Admission to a regional basic law enforcement training academy; or
- Recognition of prior basic law enforcement training and experience program.

The bill would provide for this process by doing all of the following:

- Giving MCOLES authority to require the applicable officers to submit his or her fingerprints to MSP for conducting a criminal history record information check.
- Allowing MSP to prescribe the manner in which an officer submits his or her fingerprints.
- Allowing MSP to charge a fee for conducting the criminal history check.
- Requiring MSP to conduct a criminal history check through its own records and through the Federal Bureau of Investigation (FBI) and to provide MCOLES with the information after the check is completed.
- Requiring MSP to store and retain the fingerprints in an Automated Fingerprint Identification System (AFIS) that provides for an automatic notification if subsequent criminal history record information matches the fingerprints and to forward such information to MCOLES.
- Requiring MSP to forward all fingerprints to the FBI to be retained in the FBI's Next Generation Identification System and Integrated Automated Fingerprint Identification System that provides for an automatic notification if subsequent criminal history record information matches the fingerprints and to forward a notification to MCOLES if it receives one from the FBI.
- Providing that fingerprints retained by the FBI could be searched by using future submissions to those systems, including, but not limited to, latent fingerprint searches. However, this subsection would not apply to a department that is not capable of participating in the FBI's Next Generation Identification System and Integrated Automated Fingerprint Identification System.

The Act currently allows MCOLES to promulgate rules pertaining to a number of training, proficiency, and ability factors required for the above-mentioned officers in each respective section. The bill would add to this list, "the ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law."

Finally, the bill would make stylistic and linguistic changes throughout MCOLES for clarity.

## ***HOUSE COMMITTEE ACTION:***

The House Judiciary Committee did not introduce or adopt amendments or substitutes for the Senate bill.

## ***ARGUMENTS:***

### ***For:***

Supporters of the bill argue that without this legislation, law enforcement recruits will be able to continue gaining training, even if they have a violent felony on their criminal record. Even though these same recruits would be turned away, as a matter of law, from becoming a sworn officer, they can still gain every bit of training to become an officer. According to committee testimony, the fear is that these kinds of recruits would be able to use their new training to commit more violent felonies.

### ***Against:***

Concerns were raised regarding the bill and whether current law-abiding citizens with past criminal records would be denied the opportunity to better themselves with a respectable career if they are screened out before being given a chance to prove their rehabilitation. A person with a criminal background, who made a mistake in the past but is currently a law-abiding citizen, could score high marks in an academy. However, under the bill, those people could be turned away before even entering an academy, thus losing the chance to prove their ability.

### ***Response:***

Proponents of the bill have answered this concern by explaining that applicants with criminal backgrounds may still complete police academies, but this bill would prohibit applicants with certain convictions on their criminal background from entering. People with certain criminal backgrounds are already prohibited from becoming sworn officers, and this bill would ensure that those people are unable to complete law enforcement training.

## ***POSITIONS:***

Representatives from the following organizations showed support for the bill:

- Michigan Commission on Law Enforcement Standards (10-3-17)
- Michigan State Police (10-3-17)
- Police Officers Association of Michigan (10-10-17)

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Kent Dell

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.