

FINGERPRINTING AND BACKGROUND CHECK PRIOR TO CERTAIN LAW ENFORCEMENT TRAINING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 524 (S-1) as passed the Senate

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 9-29-17

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

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.

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.

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.

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

■ 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.