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## BILL ANALYSIS



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Senate Bill 524 (Substitute S-1)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 9-12-17

**CONTENT**

**The bill would amend the Michigan Commission on Law Enforcement Standards Act to do the following:**

- **Require an individual who sought admission to a law enforcement training academy or recognition for prior basic law enforcement training for licensure under the Act to submit his or her fingerprints to the Michigan Department of State Police (MSP) for a criminal history record information check.**
- **Require the MSP to conduct a criminal history check on the individual described above through its records and through the Federal Bureau of Investigation (FBI).**
- **Require the MSP to store and retain all fingerprints submitted in an automated fingerprint system.**
- **Require the MSP to forward all fingerprints submitted to it to the FBI for submission into the FBI's next generation identification system and integrated automatic fingerprint identification system.**
- **Require the Michigan Commission on Law Enforcement Standards (MCOLES) to promulgate rules pertaining to the ability of an individual to be licensed and employed as a law enforcement officer without a restriction otherwise imposed by law.**

Sections 9, 9b, 9c, and 9d of the Act govern the licensure of the following categories of law enforcement officers, respectively: law enforcement officers except individuals to whom Sections 9a (sheriffs) through 9d apply, Michigan tribal law enforcement officers authorized to enforce State law, fire arson investigators from fire departments within local units of government, and private college security officers. Under the bill, an individual who sought admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy, or the recognition of a prior basic law enforcement training and experience program for purpose of licensure under Section 9, 9b, 9c, or 9d, would have to submit to fingerprinting, as provided below.

Under the bill, MCOLES would have to require an individual who sought admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of a prior basic law enforcement training and experience program to submit his or her fingerprints to the MSP for a criminal history record information check. The individual would have to submit his or her fingerprints to the MSP in the manner it prescribed. The Department could charge a fee for conducting the criminal history check.

The MSP would have to conduct a criminal history check on an individual seeking admission to a law enforcement training academy or recognition of a prior training and experience program through its own records and through the FBI. After each criminal history check, the MSP would have to provide the criminal history record information to MCOLES.

The MSP would have to store and retain fingerprints submitted in an automated fingerprint system database that provided for an automatic notification if subsequent criminal history information matched fingerprints previously submitted. If the MSP received a notification, it would have to forward it to MCOLES.

The MSP would have to forward all fingerprints submitted to it to the FBI for retention in the FBI's next generation identification system and integrated automatic fingerprint identification system. If the MSP received a notification from the FBI, it would have to forward it to MCOLES. The retained fingerprints could be searched by using future submissions to those systems, including latent fingerprint searches, with appropriate responses sent to the submitting and subscribing entities. This requirement would not apply unless the MSP was capable of participating in the FBI's next generation identification system and integrated automatic fingerprint identification system.

In addition, Sections 9, 9b, 9c, and 9d require MCOLES to promulgate rules governing licensing standards and procedures pertaining to, among other things, training requirements, physical ability, psychological fitness, and education. Under the bill, MCOLES also would have to promulgate rules pertaining to the ability to be licensed and employed as a law enforcement officer, tribal law enforcement officer, fire arson investigator, or private college security officer without a restriction otherwise imposed by law.

MCL 28.609 et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have a minimal fiscal impact on State and local government. The bill would require preservice applicants to law enforcement training academies to submit their fingerprints to the Michigan Department of State Police for a criminal history check and would require the MSP to conduct a criminal records check through the FBI. The cost of each background check, which includes a search of State and Federal fingerprint databases, is \$42 (\$30 State fee, \$12 Federal fee), and would be borne by the preservice applicants and paid to the MSP. Under current law, a law enforcement agency or vendor that takes fingerprint impressions from an individual for submission to the MSP may charge a nominal fee for doing so (often \$15 or less, if anything). In addition, current law states that the fee for fingerprint processing may not exceed the actual and reasonable cost incurred by the MSP for doing so.

The bill also would require that the MSP report the results of the background checks to MCOLES, retain those records, and report to the Commission if notified by the FBI that a subsequent criminal history was generated from a set of prints, requirements that could be met with existing MSP resources.

Fiscal Analyst: Bruce Baker

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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.