

HOUSE BILL No. 5578

March 3, 1992, Introduced by Reps. Jamian, Willis Bullard, Rocca, Bartnik, Robertson, Hoffman, Olshove, Dolan, Martin, Sikkema, Fitzgerald, Dalman, Dobb, Wozniak, Leland, Johnson, Gernaat, Horton, Bennane, Profit, Bandstra, Yokich and Jaye and referred to the Committee on Judiciary.

A bill to provide for access to the law enforcement information network by law enforcement agencies under certain circumstances; to provide for the confidentiality and disclosure of certain records and other information; and to provide for civil remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "law enforcement information network access act".

3 Sec. 2. As used in this act:

4 (a) "Administration of criminal justice" means the per-
5 formance of any of the following activities:

6 (i) Detection, apprehension, detention, pretrial release,
7 posttrial release, prosecution, adjudication, correctional
8 supervision, or rehabilitation of accused persons or criminal
9 offenders.

(ii) Identification of criminals.

(iii) Collection, storage, and dissemination of criminal history record information.

(b) "Law enforcement agency" means either of the following:

(i) The police agency of a city, village, or township.

(ii) The sheriff's department of a county.

(c) "Local unit of government" means a city, village, township, or county.

(d) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Sec. 3. An official of a local unit of government who is required by an ordinance or a written administrative policy of the local unit of government to obtain the driving record for an individual or to determine whether there are any warrants for the arrest of an individual before the local unit of government employs the individual or a person by whom the individual is employed, or issues a new or renewal license to the individual or a person by whom the individual is employed, may request the law enforcement agency of the local unit of government to obtain the driving record of the individual or warrant information concerning the individual, as applicable, for the official through the law enforcement information network.

Sec. 5. An official of a local unit of government who is required by an ordinance of the local unit of government to determine whether an individual was convicted of any criminal offenses before the local unit of government employs the individual or a person by whom the individual is employed, or

1 issues a new or renewal license to the individual or a person by
2 whom the individual is employed, may request the law enforcement
3 agency of the local unit of government to obtain conviction
4 information for criminal offenses concerning the individual for
5 the official through the law enforcement information network.

6 Sec. 7. An official of a local unit of government who is
7 required by an ordinance or a written administrative policy of
8 the local unit of government to obtain a driving record of an
9 individual or warrant information concerning an individual as
10 described in section 3, or who is required by an ordinance of the
11 local unit of government to obtain conviction information for
12 criminal offenses concerning an individual as described in sec-
13 tion 5, may request the law enforcement agency of another local
14 unit of government to obtain the record or information for the
15 official through the law enforcement information network if
16 either of the following circumstances exist:

17 (a) The local unit of government that requires the record or
18 information does not have a police agency.

19 (b) The law enforcement agency of the local unit of govern-
20 ment that requires the record or information is not otherwise
21 authorized by law to access the law enforcement information
22 network.

23 Sec. 9. (1) Subject to subsection (2), if an official of a
24 local unit of government requests a law enforcement agency to
25 obtain records or information under section 3, 5, or 7, the law
26 enforcement agency shall be allowed to access the law enforcement
27 information network to obtain the requested information.

1 (2) Subsection (1) does not authorize a law enforcement
2 agency that is not otherwise authorized by law to access the law
3 enforcement information network to obtain records or information
4 under section 3, 5, or 7.

5 Sec. 11. (1) Except as otherwise provided in this section,
6 a record or other information obtained by a law enforcement
7 agency for an official of a local unit of government under
8 section 3, 5, or 7 concerning an individual is confidential and
9 shall not be available for public inspection or copying. The law
10 enforcement agency may disclose the record or other information
11 as follows:

12 (a) To another law enforcement agency for the administration
13 of criminal justice.

14 (b) To the official of the local unit of government for the
15 employment or licensure purpose for which it was obtained.

16 (2) A person receiving a record or other information made
17 confidential by this section shall disclose the record or other
18 information to others only to the extent consistent with the
19 authorized purpose for which it was obtained.

20 Sec. 13. (1) Except as otherwise provided in section 11, a
21 person who discloses a record or other information made confiden-
22 tial by this section is liable for a civil fine of not more than
23 \$10,000.00.

24 (2) The attorney general or county prosecutor may commence a
25 civil action seeking the civil fine prescribed in subsection (1)
26 for a violation of section 11.

1 (3) A default in the payment of a civil fine provided for by
2 this section may be remedied by any means authorized to enforce a
3 judgment under the revised judicature act of 1961, Act No. 236 of
4 the Public Acts of 1961, being sections 600.101 to 600.9947 of
5 the Michigan Compiled Laws.