



# HOUSE BILL No. 4183

February 9, 1993, Introduced by Reps. Jamian, Vorva, Goschka, Kukuk, Dolan, Bodem, Bobier, McBryde, Walberg, Hammerstrom, Martin, Shugars, Middaugh, Galloway, Weeks, Rocca, Leland, Griffin and Hill 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.

1       (ii) Identification of criminals.

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

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

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

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

7       (c) "Local unit of government" means a city, village, town-  
8 ship, or county.

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

11       Sec. 3. An official of a local unit of government who is  
12 required by an ordinance or a written administrative policy of  
13 the local unit of government to obtain the driving record for an  
14 individual or to determine whether there are any warrants for the  
15 arrest of an individual before the local unit of government  
16 employs the individual or employs a person by whom the individual  
17 is employed, or issues a new or renewal license to the individual  
18 or a person by whom the individual is employed, may request that  
19 the law enforcement agency of the local unit of government obtain  
20 the driving record of the individual or warrant information con-  
21 cerning the individual, as applicable, for the official through  
22 the law enforcement information network.

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

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

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

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

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

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

1 enforcement agency shall be allowed to access the law enforcement  
2 information network to obtain the requested information.

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

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

14 (a) To another law enforcement agency for the administration  
15 of criminal justice.

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

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

22 Sec. 13. (1) Except as otherwise provided in section 11, a  
23 person who discloses a record or other information made confiden-  
24 tial by this section is liable for a civil fine of not more than  
25 \$10,000.00.

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

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