



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 30 (Substitute S-3 as passed by the Senate)
 Sponsor: Senator Michael J. Bouchard
 Committee: Local, Urban and State Affairs

Date Completed: 7-25-95

RATIONALE

The Law Enforcement Information Network (LEIN) is a computer system within the Department of State Police that contains information concerning warrants, missing persons, firearms, stolen property, and criminal histories. According to a State Police description, "The system serves as the central hub linking local law enforcement to interstate, intrastate, federal and Canadian law enforcement systems... The system is accessible on over 4,000 terminals in the state." Access to those terminals, however, is limited to local law enforcement and criminal justice agencies. It has been pointed out that local units of government, as well, could find it helpful to obtain information from the LEIN system, particularly when considering applicants for employment or licensure. In addition, fire department investigations reportedly would be expedited if fire officials could obtain vehicle information through the LEIN. In order to make the system available for these purposes, it has been suggested that local officials and fire chiefs be permitted to request that local law enforcement agencies obtain particular information for them through the LEIN.

CONTENT

The bill would create the "Law Enforcement Information Network Access Act" to do all of the following:

- **Authorize various local government officials to request that a local law enforcement agency obtain certain information from the Law Enforcement Information Network pertaining to the background of an individual, before he or she was employed or licensed by the local governmental unit.**
- **Authorize fire chiefs or their designees to receive vehicle or pre-employment information or criminal history checks**

through the LEIN.

- **Require that a law enforcement agency be allowed access to the LEIN to obtain information requested pursuant to the bill.**
- **Provide that information obtained from the LEIN under the bill would be confidential.**
- **Specify that a person who disclosed confidential information in violation of the bill would be subject to a civil fine and that the Attorney General or prosecuting attorney could commence a civil action seeking payment of that fine.**

("Local unit of government" would mean a city, village, township, district, or county. "Law enforcement agency" would mean the police agency of a city, village, or township; the sheriff's department of a county; or the Department of State Police.)

LEIN Access

An official of a local unit of government who was required by an ordinance or a written administrative policy to determine whether there were any warrants for an individual's arrest, before the local unit employed that individual, employed a person by whom the individual was employed, or issued a new or renewal license to the individual or his or her employer, could request that the local unit's law enforcement agency obtain warrant information for the local official through the LEIN. A local official who was required by an ordinance to determine, under the same circumstances, whether an individual was convicted of any criminal offenses also could request that the local law enforcement agency obtain that information through the LEIN.

A local official who was required to obtain warrant

information or conviction information, as described above, could request that another local unit's law enforcement agency obtain the information for the official, through the LEIN, if either of the following circumstances existed:

- The local unit of government that required the information did not have a police agency.
- The law enforcement agency of the local unit that required the information was not otherwise authorized by law to gain access to the LEIN.

In addition, the fire chief, or his or her designee, of an organized fire department of a city, village, township, district, or county could receive all of the following through the LEIN:

- Secretary of State registration information on vehicles involved in a fire or fire-related incident, or hazardous materials incident.
- Pre-employment and periodic criminal history conviction checks.
- Pre-employment information.

("Organized fire department" would mean an organization or department that provided fire suppression and other fire-related services within a city, village, or township and was a fire department of a city, village, or township, or a fire service designated by a city, village, or township pursuant to a contract. The term also would include a department of county employees responsible for fire suppression and other fire-related services for an airport operated by the county or an agency of the county.)

If a local official or a fire chief or fire chief's designee requested a law enforcement agency to obtain information pursuant to the bill, the law enforcement agency would have to be allowed access to the LEIN to obtain the requested information. The bill, however, would not authorize a law enforcement agency that was not otherwise authorized by law to gain access to the LEIN to obtain information from it.

Confidentiality

Information obtained from the LEIN under the bill would be confidential and could not be available for public inspection and copying. A law enforcement agency could disclose the information only as follows:

- To another law enforcement agency for the

"administration of criminal justice".

- To the official of the local unit of government for the employment or licensure purpose for which it was obtained.

A person who received information made confidential by the bill could disclose it to others only to the extent consistent with the authorized purpose for which it was obtained.

A person who disclosed confidential information in violation of the bill would be liable for a civil fine of up to \$10,000. The Attorney General or a county prosecutor could commence a civil action to seek a civil fine. A default in the payment of a civil fine could be remedied by any means authorized to enforce a judgment under the Revised Judicature Act.

("Administration of criminal justice" would mean the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders; identification of criminals; or collection, storage, and dissemination of criminal history record information.)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The LEIN system is overseen by the statutorily created LEIN Policy Council, which is made up of administrators from various parts of the criminal justice system. It is the Policy Council that determines which agencies are eligible for a LEIN terminal, based upon their need. According to the Department of State Police, users include local police departments, sheriffs, the State Police, courts, Corrections, the Secretary of State, and prosecutors. Other local officials, however, do not have access to the LEIN system, although they often need to obtain criminal history information when making employment or licensure decisions. In addition, fire departments, which are responsible for investigating fire-related incidents and reporting to the State Fire Marshal, sometimes need to obtain such information as the identity of a vehicle owner and a vehicle identification number. Currently, governmental units with the proper equipment have computer access to Secretary of State driving record

information, which can be used in deciding whether to hire someone as a bus driver, for example, or whether to issue a license to drive a taxicab; written inquiries for driving record information also may be made to the Secretary of State. Criminal history information, however, is not similarly available, but could be obtained under the bill. A city wishing to hire someone as a finance director, for instance, could request its police department to determine whether that person had been convicted of any criminal offenses. Or, a fire chief at the scene of an accident could contact the LEIN terminal operator to obtain registration information about the vehicle involved in the accident.

Opposing Argument

Allowing local officials and fire chiefs to obtain LEIN information would give an excessive number of individuals access to sensitive information about private individuals.

Response: Direct access to the LEIN system would continue to be limited to law enforcement and criminal justice agencies, and the LEIN Policy Council would continue to determine eligibility for a terminal. Under the bill, local officials could obtain criminal history information only through a local law enforcement agency. Fire chiefs also would have to go through a law enforcement agency because they do not have LEIN terminals. Whether to obtain the requested information would be up to the law enforcement agency. Moreover, the bill contains clear confidentiality provisions and proposes a stiff fine for violations.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. 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.