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BILL ANALYSIS



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Senate Bill 30
Sponsor: Senator Michael J. Bouchard
Committee: Local, Urban, and State Affairs

Date Completed: 4-25-95

SUMMARY OF SENATE BILL 30 as introduced 1-17-95:

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 (LEIN) pertaining to the background of an individual, before that individual was employed or licensed by the local governmental unit.
- Require that a law enforcement agency be allowed access to the LEIN to obtain information requested by a local government official 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.

LEIN Access

An official of a local unit of government who was required by an ordinance or a written administrative policy to obtain the driving record of an individual, or to determine whether there were any warrants for that person'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 for the local official, from the LEIN, the driving record or warrant information. A local official who was required by an ordinance to determine whether an individual, under the same circumstances, was convicted of any criminal offense also could request that the local law enforcement agency obtain that information from the LEIN.

A local official who was required to obtain a driving record, warrant information, or criminal history record could request that another local unit's law enforcement agency obtain the record or information for the official, through the LEIN, if either of the following circumstances existed:

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

If a local official requested a law enforcement agency to obtain records or 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 a record or information from it.

Confidentiality

A record or 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 record or other 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 a record or other information made confidential by the bill could disclose the record or information to others only to the extent consistent with the authorized purpose for which it was obtained.

A person who disclosed a confidential record or 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.)

Legislative Analyst: P. Affholter

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.