Act No. 459
Public Acts of 1998
Approved by the Governor
December 31, 1998

Filed with the Secretary of State
January 4, 1999

EFFECTIVE DATE: January 4, 1999

STATE OF MICHIGAN

89TH LEGISLATURE

REGULAR SESSION OF 1998

Introduced by Reps. Jellema, Kukuk, Goschka and DeVuyst

ENROLLED HOUSE BILL No. 5137

AN ACT to amend 1974 PA 163, entitled "An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members," by amending section 4 (MCL 28.214), as amended by 1998 PA 82.

The People of the State of Michigan enact:

Sec. 4. (1) The council shall do all of the following:

(a) Establish policy and promulgate rules regarding the operational procedures to be followed by agencies using the law enforcement information network. The policy and rules shall do all of the following:

(*i*) Ensure access to locator information obtained through the law enforcement information network by state and federal agencies and the friend of the court for enforcement of child support programs as provided under state and federal law.

(*ii*) Ensure access to information of an individual being investigated by a state or county employee who is engaged in the enforcement of the child protection laws or rules of this state.

(*iii*) Authorize a fire chief of an organized fire department or his or her designee to request and receive information obtained through the law enforcement information network by a law enforcement agency for the following purposes:

(A) A preemployment criminal convictions history.

(B) A preemployment driving record.

(C) Vehicle registration information for vehicles involved in a fire or hazardous materials incident.

(b) Review applications for network terminals and approve or disapprove the applications and the sites for terminal installations. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

(c) Establish minimum standards for terminal sites and installation.

(2) A person shall not disclose information from the law enforcement information network to a private entity for any purpose, including, but not limited to, the enforcement of child support programs.

(3) A person shall not disclose information from the law enforcement information network in a manner that is not authorized by law or rule.

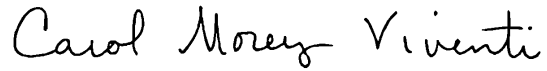(4) A person who violates subsection (2) or (3) is:

(a) For a first offense, guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(b) For a second or subsequent offense, guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved ---

Governor.