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SCHOOL ADMINISTRATOR LEIN ACCESS

Senate Bill 945 (Substitute H-1) First Analysis (9-27-00)

Sponsor: Sen. Leon Stille
House Committee: Education
Senate Committee: Education

THE APPARENT PROBLEM:

Under the Law Enforcement Information Network (LEIN) Policy Council Act, Public Act 163 of 1974, the policy council for the law enforcement information network is required to establish procedural rules to guide users of the system. The policy and rules the council develops must ensure that all state and federal agencies, and the friend of the court, have access to locator information so they can carry out their duties. (See *BACKGROUND INFORMATION* below.)

The legislature amended the LEIN Policy Council Act in 1998 (when Public Act 459 of 1998 was adopted) to also allow fire chiefs of organized fire departments to have access to locator information. Specifically, Public Act 459 gives fire chiefs access to the LEIN system for two purposes: to gather pre-employment information about a fire-fighter applicant's criminal convictions and driving record; and, to obtain vehicle registration information for vehicles involved in a fire or hazardous materials incident.

Beginning in 1998 and concurrent with the increase in school-based violence, some school administrators have suggested that access to LEIN information would help them keep school buildings and school grounds safer for school children. For example, the vehicle record information could help them to identify the owners of vehicles parked near schools that arouse suspicion. To accomplish this end, legislation has been proposed.

THE CONTENT OF THE BILL:

Senate Bill 945 would amend the Law Enforcement Information Network (LEIN) Policy Council Act to require that the LEIN Policy Council establish rules that would authorize a public or private school superintendent, principal, or assistant principal to receive the vehicle registration information of a vehicle within 1,000 feet of school property, that was obtained

through the law enforcement information network by a law enforcement agency.

MCL 28.214

HOUSE COMMITTEE ACTION:

The House Education Committee adopted two amendments to Senate Bill 945. The first amendment deleted the reference to "administrator" and inserted, instead, "superintendent, principal, or assistant principal". This amendment was adopted in order to limit the number of school personnel who could have access to LEIN information. Second, the committee adopted an amendment to specify that these school personnel could only receive vehicle registration information of a vehicle within 1,000 feet of school property. This amendment further limited the occasions on which LEIN information could be requested of local law enforcement agencies.

BACKGROUND INFORMATION:

Public Act 163 of 1974. According to an analysis of House Bill 5176 published by the House Legislative Analysis Section on 1-24-74, the legislature formalized the Law Enforcement Information Network (LEIN) as a system designed to provide necessary information to law enforcement officers and agencies through approximately 223 access terminals throughout the state. Those terminals fed information about wanted people, stolen vehicles, and other information into a main computer in East Lansing at the state police headquarters. When LEIN was developed in 1974, the information was shared by eight states in the Midwest, and the system provided immediate access to the secretary of state's computer information, and the National Crime Information Center in Washington, D.C.

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Before enactment of the new law, an ad hoc LEIN Advisory Committee had been in existence since 1965, serving as an advisory group to the director of the Department of State Police. The committee had been informally charged with the duties of reviewing all applications for LEIN terminals, and establishing policies related to the Michigan LEIN system. House Bill 5175 of 1974 was introduced to more formally establish the committee as an advisory council in statute.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (5-12-00)

ARGUMENTS:

For:

As school buildings have grown increasingly unsafe, it makes sense to give the building-level administrators of schools the ability to quickly gather information about the identity of non-school related people whose presence might threaten of the well-being of school children. School principals have reported the presence of vehicles and unknown drivers near their schools. However, the principals are unable to identify the drivers through the LEIN system. They report that it is a misdemeanor for the local law enforcement agency to give them vehicle registration information when they inquire. In order to allow local law enforcement agencies to comply with the school administrators' requests without fear of penalty, this legislation is necessary.

Against:

The LEIN system was designed to help law enforcement agencies protect the public, by consolidating their information about criminals, posting that to an electronic database, and then restricting access to the computer network that was created. Access was restricted in order to make law enforcement investigations speedier and more effective, and also to protect the privacy of the individual record-holders whose information is a part of the database. This bill would extend database access to school administrators, and in doing so, it risks violating the privacy rights of all those who register their vehicles through the office of the secretary of state.

Response:

As was pointed out in committee testimony, vehicle records maintained by the secretary of state already are available to the public. To get the information, a

citizen can visit the local office of the secretary of state and make a request. This bill would not, then, expand access to the database. It would, however, give a select group of school administrators speedier access to the records, since they would be able to gain access with a quick call to their local law enforcement agency to verify the ownership of a suspicious vehicle lurking on or near school property.

POSITIONS:

The Michigan Association of School Administrators supports the bill. (9-26-00)

The Department of State Police supports the bill. (9-26-00)

The Michigan Association of Secondary School Principals supports the bill. (9-26-00)

Analyst: J. Hunault

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.