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SFA**BILL ANALYSIS**

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Senate Bill 855 (Substitute S-1 as reported)
Sponsor: Senator Mike Rogers
Committee: Judiciary

CONTENT

The bill would amend the bureau of criminal identification Act to revise fingerprinting requirements that were enacted by Public Act 77 of 1999 for a violation of a local ordinance.

Public Act 77, which took effect on October 1, 1999, amended the bureau of criminal identification Act to permit, rather than require, an arresting law enforcement agency to take the fingerprints of a person arrested for a misdemeanor violation of a local ordinance for which the maximum penalty exceeds 92 days' imprisonment and that substantially corresponds to a misdemeanor violation of State law whose maximum term of imprisonment exceeds 92 days. Under Public Act 77, the law enforcement agency may not forward the fingerprints to the Department of State Police before conviction. If the person is convicted, the law enforcement agency must take the person's fingerprints, if not previously taken, and forward them to the Department within 72 hours.

Under Senate Bill 855 (S-1), a law enforcement agency would be required to take the fingerprints of a person for a misdemeanor violation of a local ordinance for which the maximum possible penalty was 93 days' imprisonment and that substantially corresponded to a misdemeanor violation of State law whose maximum possible term of imprisonment was 93 days. The bill would delete the prohibition against a law enforcement agency's forwarding the fingerprints to the Department of State Police before conviction.

If the person were convicted of a violation described above, the law enforcement agency would have to take the person's fingerprints before sentencing, if not taken previously, and promptly forward to the court all forms required to be sent to the Department of State Police. (This would replace the requirement that the law enforcement agency forward the fingerprints to the Department of State Police within 72 hours after conviction.) The court then would have to forward the forms to the Department with the report of final disposition.

The bill is tie-barred to Senate Bills 831 through 834 and 856.

MCL 28.243

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local government.

Date Completed: 11-2-99

Fiscal Analyst: B. Baker

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Analysis available @ <http://www.michiganlegislature.org>

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.