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Senate Bill 934 (as introduced 12-11-01)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

Date Completed: 1-28-02

CONTENT

The bill would amend the Aeronautics Code to require that a flight school request from the Department of State Police criminal records division a criminal history check, and a criminal records check through the Federal Bureau of Investigation (FBI), on any applicant for training at the flight school.

At the time of application, a flight school applicant would have to consent, in writing, to the criminal history and records check. The applicant would have to cooperate with the school in completing the criminal history and criminal records checks.

As a condition of enrolling an applicant, a flight school, a flight school would have to request from the Department of State Police criminal records division a criminal history check and criminal records check through the FBI on the applicant. The school would have to make the request on a form and in a manner prescribed by the division. The school would have to require the applicant to submit his or her fingerprints to the Department for the criminal history and records check. The Department could charge a fee for the criminal check.

Before enrolling the applicant, the school would have to receive a report on the criminal check from the Department. A flight school could enroll an applicant as a conditional student, however, without first receiving the report from the Department, if 1) the school requested the criminal history and records check before conditional enrollment, and 2) the applicant signed a statement identifying all crimes for which he or she had been convicted, if any, and agreeing that, if the report from the Department were not consistent with the applicant's statement, his or her enrollment contract would be void. If the statement of convictions included a felony conviction or incarceration, probation, or parole for a felony conviction within the preceding seven years, the enrollment contract would be void.

If an applicant were enrolled as a conditional student, and the report were not the same as the applicant's statement, the flight school would have to void the applicant's enrollment contract. If the contract were voided, the applicant's enrollment would be terminated and the flight school would not be liable for the termination or any money paid toward enrollment.

If an applicant were being considered for enrollment by more than one flight school and the applicant agreed in writing to allow a flight school to share the criminal history and records report from the Department of State Police with another flight school, the school could satisfy the bill's requirements by obtaining a copy of the report from another flight school.

Within 30 days after receiving a proper request from a flight school, the criminal records division would have to conduct the criminal history check, initiate the criminal records check, and provide a report of the results to the flight school. The report would have to contain any criminal history record information on the applicant that was maintained by the criminal records

division and include information regarding the criminal records check of the FBI's records.

A flight school could use criminal history record information received from the division only for the purposes of evaluating an applicant's qualifications for enrollment and comparing the information to that in a conditional student's statement of criminal convictions. The school could not disclose the report or its contents to anyone who was not directly involved in evaluating the applicant's qualifications for enrollment. If an applicant had agreed, in writing, to allow the school to share the report with another flight school, however, the report could be provided to an appropriate representative of another flight school. A violation of this disclosure provision would be a misdemeanor punishable by a fine of up to \$10,000.

"Criminal history record information" would mean that term as defined in the fingerprinting law: name; date of birth; fingerprints; photographs, if available; personal descriptions, including physical measurements, identifying marks, scars, amputation, and tattoos; aliases and prior names; Social Security and driver's license numbers and other identifying numbers; and information on misdemeanor convictions and felony arrests and convictions (MCL 28.241a).

MCL 259.85 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

State Police. The bill would have a minimal fiscal impact on the Department of State Police. The Department routinely provides criminal history background checks at a cost of \$15 and fingerprint records checks at the State level for \$30 and through the FBI for \$24 under circumstances provided by State law.

Corrections. The bill would have an indeterminate impact on local government. There are no data to indicate how many people could be convicted of disclosing information from a flight school applicant's criminal history record. An offender would receive a misdemeanor conviction and could be fined up to \$10,000. Public libraries would benefit as they receive all penal fine revenue.

Transportation. The Michigan State Aeronautics Commission is responsible for licensing flight schools. The bill would not affect the activities of the Commission and therefore would not have a fiscal impact on the Michigan Department of Transportation.

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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.