SENATE BILL No. 133

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Judiciary.

A bill to amend 1974 PA 163, entitled

"L.E.I.N. policy council act of 1974,"

by amending the title and sections 1, 2, 3, and 4 (MCL 28.211,

28.212, 28.213, and 28.214), section 4 as amended by 2000 PA 320,

and by adding sections 1a and 3a; and to repeal acts and parts of

acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the creation of a ~~law enforcement~~

3 CRIMINAL JUSTICE information ~~network~~ SYSTEMS policy council; to

4 provide for the establishment of policy and promulgation of rules

5 governing the use of the law enforcement information network AND

6 THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM; ~~and~~ to provide

7 for the appointment ~~and compensation~~ of council members; TO

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1 PROVIDE FOR REIMBURSEMENT OF EXPENSES OF COUNCIL MEMBERS; AND TO

2 PROVIDE PENALTIES FOR VIOLATIONS.

3   Sec. 1. This act shall be known and may be cited as the

4 ~~"L.E.I.N.~~ "C.J.I.S. policy council act". ~~of 1974".~~

5   SEC. 1A. AS USED IN THIS ACT, "COUNCIL" MEANS THE CRIMINAL

6 JUSTICE INFORMATION SYSTEMS POLICY COUNCIL CREATED IN SECTION 2.

7   Sec. 2. (1) There is created the ~~law enforcement~~ CRIMINAL

8 JUSTICE information ~~network~~ SYSTEMS policy council ~~, hereafter~~

9 ~~referred to as the council,~~ comprised of the following members:

10   (a) The attorney general ~~,~~ or his ~~designated~~

11 ~~representative~~ OR HER DESIGNEE.

12   (b) The secretary of state ~~,~~ or his ~~designated~~

13 ~~representative~~ OR HER DESIGNEE.

14   (C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR

15 HER DESIGNEE.

16   (D) ~~(c)~~ The director of the department of corrections ~~,~~

17 or his ~~designated representative~~ OR HER DESIGNEE.

18   ~~(d) The commissioner of the Detroit police department, or~~

19 ~~his designated representative.~~

20   (e) Three representatives of the department of state police

21 ~~,~~ to be appointed by the director of the department of state

22 police.

23   (F) THE CHIEF OF THE DETROIT POLICE DEPARTMENT OR HIS OR HER

24 DESIGNEE.

25   (G) ~~(f)~~ Three representatives of the Michigan association

26 of chiefs of police ~~,~~ to be appointed ~~annually~~ by that

27 association.

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1   (H) ~~(g) Three~~ FOUR representatives of the Michigan

2 sheriffs' association ~~,~~ to be appointed ~~annually~~ by that

3 association.

4   (I) ~~(h)~~ Three representatives of the prosecuting attorneys

5 association of Michigan to be appointed ~~annually~~ by that

6 association.

7   (J) A REPRESENTATIVE OF THE MICHIGAN DISTRICT JUDGES ASSOCI-

8 ATION TO BE APPOINTED BY THAT ASSOCIATION.

9   (K) A REPRESENTATIVE OF THE MICHIGAN JUDGES ASSOCIATION TO

10 BE APPOINTED BY THAT ASSOCIATION.

11   (*l*) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE.

12   (M) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE

13 OF THE GOVERNOR WHO IS EMPLOYED IN OR ENGAGED IN THE PRIVATE

14 SECURITY BUSINESS.

15   (N) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE

16 OF THE GOVERNOR WHO REPRESENTS HUMAN SERVICES CONCERNS IN THIS

17 STATE.

18   (2) THE MEMBERS APPOINTED UNDER SUBSECTION (1)(E), (G), (H),

19 (I), (J), (K), (M), AND (N) SHALL SERVE 2-YEAR TERMS AND MAY BE

20 REAPPOINTED.

21   Sec. 3. (1) The council shall, at its first meeting, elect

22 from its membership a ~~chairman~~ CHAIRPERSON, who shall serve for

23 1 year. ~~Elections thereafter~~ AN ELECTION FOR A CHAIRPERSON

24 shall be held annually. A ~~chairman~~ CHAIRPERSON may ~~, if~~

25 ~~reelected,~~ BE ELECTED TO succeed himself OR HERSELF. The coun-

26 cil shall meet quarterly, during the months of January, April,

27 July, October, ~~and at other times the chairman deems necessary~~

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1 OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON. A MAJORITY OF

2 COUNCIL MEMBERS CONSTITUTE A QUORUM TO CONDUCT COUNCIL BUSINESS.

3   (2) Council members shall serve without compensation, but

4 ~~shall be~~ ARE entitled to actual expenses incurred during

5 attendance at a regular or special council meeting and in travel-

6 ing to and from a meeting.

7   SEC. 3A. (1) THE COUNCIL SHALL EXERCISE ITS PRESCRIBED

8 POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES INDEPENDENTLY OF

9 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE. THE BUDGETING,

10 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE COUNCIL

11 SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE

12 DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

13   (2) THE EXECUTIVE SECRETARY OF THE COUNCIL SHALL BE

14 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE

15 SUBJECT TO THE APPROVAL OF THE COUNCIL.

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

17   (a) Establish policy and promulgate rules regarding the

18 operational procedures to be followed by agencies using the law

19 enforcement information network, THE AUTOMATED FINGERPRINT IDEN-

20 TIFICATION SYSTEM, AND ACCESS BY ALL CRIMINAL JUSTICE SYSTEMS.

21 The policy and rules shall do all of the following:

22   (*i*) Ensure access to ~~locator~~ information ~~obtained through~~

23 ~~the law enforcement information network by state and federal~~

24 ~~agencies and the friend of the court for enforcement of child~~

25 ~~support programs as provided under state and federal law.~~ BY A

26 FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY TO ADMINISTER CRIMINAL

27 JUSTICE OR ENFORCE ANY LAW.

1   (*ii*) Ensure access to information ~~of an individual being~~

2 ~~investigated by a state or county employee who is~~ PROVIDED BY

3 THE LAW ENFORCEMENT INFORMATION NETWORK OR THE AUTOMATED FINGER-

4 PRINT IDENTIFICATION SYSTEM BY A GOVERNMENT AGENCY engaged in the

5 enforcement of ~~the~~ CHILD SUPPORT LAWS, child protection laws,

6 or ~~rules of this state~~ VULNERABLE ADULT PROTECTION LAWS.

7   (*iii*) Authorize a fire chief of an organized fire department

8 or his or her designee to request and receive information

9 ~~obtained through~~ PROVIDED BY the law enforcement information

10 network by a law enforcement agency for the following purposes:

11   (A) A preemployment criminal convictions history.

12   (B) A preemployment driving record.

13   (C) Vehicle registration information for vehicles involved

14 in a fire or hazardous materials incident.

15   (*iv*) Authorize a public or private school superintendent,

16 principal, or assistant principal to receive vehicle registration

17 information, of a vehicle within 1,000 feet of school property,

18 obtained through the law enforcement information network by a law

19 enforcement agency.

20   (b) Review applications for network terminals and approve or

21 disapprove the applications and the sites for terminal

22 installations. If an application is disapproved, the applicant

23 shall be notified in writing of the reasons for disapproval.

24   (c) Establish minimum standards for terminal sites and

25 installation.

26   (D) ADVISE THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE ON

27 ISSUES CONCERNING CRIMINAL JUSTICE INFORMATION SYSTEMS.

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1   (2) A person shall not ACCESS, USE, OR disclose information

2 from the law enforcement information network ~~to a private entity~~

3 ~~for any purpose, including, but not limited to, the enforcement~~

4 ~~of child support programs~~ OR THE AUTOMATED FINGERPRINT IDENTIFI-

5 CATION SYSTEM FOR PERSONAL USE OR GAIN.

6   (3) A person shall not disclose information from the law

7 enforcement information network OR THE AUTOMATED FINGERPRINT

8 IDENTIFICATION SYSTEM in a manner that is not authorized by law

9 or rule.

10   (4) A person who INTENTIONALLY violates subsection (2) or

11 (3) is:

12   (a) For a first ~~offense~~ CONVICTION, guilty of a misde-

13 meanor punishable by imprisonment for not more than ~~90~~ 93 days

14 or a fine of not more than $500.00, or both.

15   (b) For a second or subsequent ~~offense~~ CONVICTION, guilty

16 of a felony punishable by imprisonment for not more than 4 years

17 or a fine of not more than $2,000.00, or both.

18   Enacting section 1. (1) Section 6 of 1974 PA 163,

19 MCL 28.216, is repealed.

20   (2) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151

21 to 28.158, is repealed.