

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 648

A bill to amend 1974 PA 163, entitled
"L.E.I.N. policy council act of 1974,"
by amending sections 4 and 5 (MCL 28.214 and 28.215), section 4 as
amended by 2000 PA 320; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) The council shall do all of the following:
- 2 (a) Establish policy and promulgate rules ~~regarding the~~
- 3 ~~operational procedures to be followed by agencies using~~ **GOVERNING**
- 4 **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN CRIMINAL JUSTICE**
- 5 **INFORMATION SYSTEMS, INCLUDING** the law enforcement information
- 6 network, **THE AUTOMATED FINGERPRINT INFORMATION SYSTEM, AND OTHER**

1 INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW ENFORCEMENT.

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

3 (i) ENSURE ACCESS TO INFORMATION OBTAINED BY A FEDERAL, STATE,
4 OR LOCAL GOVERNMENTAL AGENCY TO ADMINISTER CRIMINAL JUSTICE OR
5 ENFORCE ANY LAW.

6 (ii) ~~—(i)—~~ Ensure access to ~~locator~~ information ~~obtained~~
7 ~~through~~ PROVIDED BY the law enforcement information network ~~by~~
8 ~~state and federal agencies and the friend of the court for~~ OR THE
9 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM BY A GOVERNMENTAL
10 AGENCY ENGAGED IN THE enforcement of child support ~~programs as~~
11 ~~provided under state and federal law~~ LAWS, CHILD PROTECTION LAWS,
12 OR VULNERABLE ADULT PROTECTION LAWS.

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

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

20 (A) A preemployment criminal convictions history.

21 (B) A preemployment driving record.

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

24 (iv) Authorize a public or private school superintendent,
25 principal, or assistant principal to receive vehicle registration
26 information, of a vehicle within 1,000 feet of school property,
27 obtained through the law enforcement information network by a law

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enforcement agency.

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**(v)] ESTABLISH FEES FOR ACCESS, USE, OR DISSEMINATION OF
INFORMATION FROM CRIMINAL JUSTICE INFORMATION SYSTEMS.**

(b) Review applications for ~~network terminals~~ **C.J.I.S.**
ACCESS 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~~ **EQUIPMENT
AND SOFTWARE** and **ITS** installation.

**(D) ADVISE THE GOVERNOR ON ISSUES CONCERNING THE CRIMINAL
JUSTICE INFORMATION SYSTEMS.**

**(2) A PERSON HAVING DIRECT ACCESS TO NONPUBLIC INFORMATION IN
THE INFORMATION SYSTEMS GOVERNED BY THIS ACT SHALL SUBMIT A SET OF
FINGERPRINTS FOR COMPARISON WITH STATE AND FEDERAL CRIMINAL HISTORY
RECORDS TO BE APPROVED FOR ACCESS PURSUANT TO THE C.J.I.S. SECURITY
POLICY. A REPORT OF THE COMPARISON SHALL BE PROVIDED TO THAT
PERSON'S EMPLOYER.**

**(3) ~~(2)~~ A person shall not ACCESS, USE, OR disclose
NONPUBLIC 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~~ GOVERNED UNDER THIS ACT
FOR PERSONAL USE OR GAIN.**

1 (4) ~~—(3)—~~ A person shall not disclose information ~~from the~~
 2 ~~law enforcement information network~~ **GOVERNED UNDER THIS ACT** in a
 3 manner that is not authorized by law or rule.

4 (5) ~~—(4)—~~ A person who **INTENTIONALLY** violates subsection ~~—(2)—~~
 5 ~~or~~ (3) **OR (4)** is **GUILTY OF A CRIME AS FOLLOWS:**

6 (a) For a first offense, **THE PERSON IS** guilty of a misdemeanor
 7 punishable by imprisonment for not more than ~~90~~ 93 days or a fine
 8 of not more than \$500.00, or both.

9 (b) For a second or subsequent offense, **THE PERSON IS** guilty
 10 of a felony punishable by imprisonment for not more than 4 years or
 11 a fine of not more than \$2,000.00, or both.

12 Sec. 5. The council may ~~remove terminals~~ **DO ANY OF THE**
 13 **FOLLOWING:**

14 (A) **AUTHORIZE ACCESS TO PUBLIC RECORD INFORMATION TO ENHANCE**
 15 **PUBLIC SAFETY OR CRIMINAL JUSTICE, AS PERMITTED BY LAW.**

16 (B) **SUSPEND OR DENY THE USE OF, AND ACCESS TO, INFORMATION OR**
 17 **REMOVE ACCESS FROM AN AGENCY** if the agency ~~or entity controlling~~
 18 ~~the terminal fails to comply with the established~~ **VIOLATES**
 19 policies or promulgated rules of the council.

20 (C) **SUSPEND OR DENY DIRECT ACCESS TO INFORMATION TO AN**
 21 **INDIVIDUAL WHO VIOLATES THIS ACT, POLICIES, OR PROMULGATED RULES OF**
 22 **THE COUNCIL.**

23 Enacting section 1. The following acts and parts of acts are
 24 repealed:

25 (a) Section 6 of the L.E.I.N. policy council act of 1974, 1974
 26 PA 163, MCL 28.216.

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

1 to 28.158.

2 Enacting section 2. This amendatory act takes effect February
3 1, 2006.

4 Enacting section 3. This amendatory act does not take effect
5 unless House Bill No. 5275 of the 93rd Legislature is enacted into
6 law.