

HOUSE BILL No. 5841

March 8, 2006, Introduced by Reps. Schuitmaker, Ball, LaJoy, Gosselin, Farhat, Baxter, Moore, Stahl, Nitz, David Law, Proos, Vander Veen, Caswell, Mortimer, Newell, Taub, Sheen, Marleau and Casperson and referred to the Committee on Judiciary.

A bill to create the methamphetamine reporting act; and to prescribe the powers and duties of certain state and local departments and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "methamphetamine reporting act".

3 Sec. 2. (1) The department shall create and maintain a
4 computerized database for compiling information regarding
5 methamphetamine manufacture, use, possession, and distribution in
6 this state, as provided under this act.

7 (2) The department shall compile information for purposes of
8 subsection (1) from all of the following:

1 (a) The department.

2 (b) The departments of community health, human services,
3 natural resources, and corrections.

4 (c) Each local police agency in this state. As used in this
5 subdivision, "local police agency" means all of the following:

6 (i) The police department of a city, village, or township.

7 (ii) The county sheriff.

8 (iii) The police department or public safety department of a
9 hospital, community college, college, or university.

10 (3) The department shall provide, and shall require each
11 entity described in subsection (2) to provide to the department,
12 information regarding all of the following, as applicable:

13 (a) The name and address of the reporting entity.

14 (b) Whether the incident involved primarily the manufacture,
15 possession, use, or distribution of methamphetamine.

16 (c) The city, village, or township and the county in which the
17 incident occurred.

18 (d) Whether the incident resulted in a criminal prosecution
19 and, if so, the outcome of that criminal prosecution, if known.

20 (e) Whether any individual involved in the incident is being
21 treated or otherwise counseled for methamphetamine use.

22 (f) Whether an individual less than 18 years of age was
23 present at the scene when the incident took place.

24 (g) Whether the violation caused the contamination of a
25 natural resource and, if so, the agencies involved in the cleanup
26 and the cost or expected cost of cleanup to each agency involved.

27 (4) The department shall implement procedures to ensure that

1 information provided by the entities described in subsection (2) is
2 coordinated to prevent duplicative information from being entered
3 into the database regarding the same incident.

4 (5) Information submitted to the department for use under this
5 section shall be on a form provided by the department.

6 (6) Each agency described in subsection (2) shall complete the
7 form provided to that agency by the department and return that form
8 to the department as required by the department.

9 (7) This section does not require or authorize the disclosure
10 of information that is privileged or otherwise restricted by law.

11 (8) Except as provided in section 4, information submitted to
12 the department under this act by a state or local department or
13 agency is confidential and is not subject to disclosure under the
14 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

15 Sec. 4. (1) The department shall file a written report not
16 later than January 1 of each year with the secretary of the senate
17 and the clerk of the house of representatives using the information
18 obtained under section 2 identifying trends in methamphetamine
19 manufacture, use, and distribution in this state and making
20 recommendations to the legislature regarding possible solutions to
21 those problems.

22 (2) The department shall make a copy of the report filed under
23 subsection (1) available to the public on the department's website.

24 Sec. 5. The department may promulgate rules under the
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
26 24.328, to implement this act.

27 Sec. 6. As used in this act:

1 (a) "Database" means the computerized database created under
2 section 2.

3 (b) "Department" means the department of state police.