

Act No. 308
Public Acts of 2005
Approved by the Governor
December 22, 2005
Filed with the Secretary of State
December 27, 2005
EFFECTIVE DATE: February 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Basham

ENROLLED SENATE BILL No. 648

AN ACT to amend 1974 PA 163, entitled "An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members," 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:

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

(a) Establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement. The policy and rules shall do all of the following:

(i) Ensure access to information obtained by a federal, state, or local governmental agency to administer criminal justice or enforce any law.

(ii) Ensure access to information provided by the law enforcement information network or the automated fingerprint identification system by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws.

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

(A) A preemployment criminal convictions history.

(B) A preemployment driving record.

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

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

(v) Establish fees for access, use, or dissemination of information from criminal justice information systems.

(b) Review applications for C.J.I.S. access and approve or disapprove the applications and the sites. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

(c) Establish minimum standards for 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) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.

(4) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule.

(5) A person who intentionally violates subsection (3) or (4) is guilty of a crime as follows:

(a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

Sec. 5. The council may do any of the following:

(a) Authorize access to public record information to enhance public safety or criminal justice, as permitted by law.

(b) Suspend or deny the use of, and access to, information or remove access from an agency if the agency violates policies or promulgated rules of the council.

(c) Suspend or deny direct access to information to an individual who violates this act, policies, or promulgated rules of the council.

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

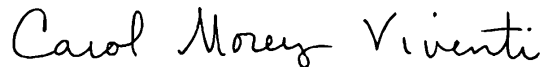
(a) Section 6 of the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.216.

(b) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151 to 28.158.

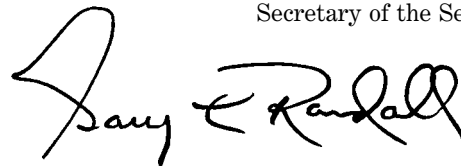
Enacting section 2. This amendatory act takes effect February 1, 2006.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor