

**SUBSTITUTE FOR
HOUSE BILL NO. 5543**

A bill to authorize local units of government to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Notwithstanding any other provision of law to the
2 contrary, a local unit of government may by ordinance require the
3 fingerprinting of door-to-door solicitors, taxicab drivers or other
4 drivers for hire, or street vendors or other transient merchants
5 for the purpose of obtaining criminal history record information on
6 those individuals. Fingerprints obtained pursuant to this act may
7 be submitted by the local unit of government to the department of

House Bill No. 5543 (H-3) as amended February 28, 2008

1 state police for a state criminal history record check and to the
2 federal bureau of investigation for a national criminal history
3 record check.

4 (2) The department of state police shall serve as the sole
5 source for receiving fingerprint submissions from local units of
6 government and for receiving the responses to those fingerprint
7 submissions from the federal bureau of investigation. The criminal
8 history record information obtained by the department of state
9 police shall be disseminated to the local unit of government.

10 (3) A local unit of government may charge an individual the
11 appropriate fees for the state and national criminal history record
12 check. The appropriate fees for a state and national criminal
13 history record check shall be transmitted by the local unit of
14 government to the department of state police.

[(4) A local unit of government that fingerprints applicants or
licensees under this act shall develop a written fingerprint policy and
shall provide those applicants or licensees with a written synopsis of
the fingerprinting policy that describes how fingerprints are taken, how
fingerprints are controlled while in the possession of the local unit of
government, who the fingerprints are sent to, and how the fingerprints
are used.

(5) The fingerprint impression of an applicant or licensee obtained
under this act shall not be permanently retained by the local unit of
government after the completion of the criminal history record check
unless the applicant or licensee requests in writing to the local unit of
government that he or she would like the fingerprint impression kept on
file for future use.

(6) Any biometric data kept on file by the local unit of government
is exempt from disclosure under section 13(1)(d) of the freedom of
information act, 1976 PA 422, MCL 15.243.

15 (7) As used in this act:

16 (a) "Criminal history record information" means that term as
17 defined in section 1a of 1925 PA 289, MCL 28.241a.

18 (b) "Local unit of government" means a county, city, village,
19 township, or charter township.

20 Enacting section 1. This act takes effect January 1, 2009.