

HOUSE BILL No. 6449

September 16, 2010, Introduced by Reps. Huckleberry, Liss, Nerat, Slezak, Barnett, Valentine, Bledsoe, Slavens, Cushingberry, Constan, Gonzales and Scripps and referred to the Committee on Judiciary.

A bill to amend 1974 PA 163, entitled
"C.J.I.S. policy council act,"
by amending section 4 (MCL 28.214), as amended by 2005 PA 311.

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 governing access,
- 3 use, and disclosure of information in criminal justice information
- 4 systems, including the law enforcement information network, the
- 5 automated fingerprint information system, and other information
- 6 systems related to criminal justice or law enforcement. The policy
- 7 and rules shall do all of the following:
- 8 (i) Ensure access to information obtained by a federal, state,

1 or local governmental agency to administer criminal justice or
2 enforce any law.

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

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

12 (A) A preemployment criminal convictions history.

13 (B) A preemployment driving record.

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

16 (iv) **AUTHORIZE ANY ANIMAL CONTROL AGENCY THAT IS AN AGENCY OF A**
17 **COUNTY TO REQUEST AND RECEIVE INFORMATION OBTAINED THROUGH THE LAW**
18 **ENFORCEMENT INFORMATION NETWORK BY A LAW ENFORCEMENT AGENCY FOR THE**
19 **PURPOSE OF PERFORMING ITS DUTIES, REGARDLESS OF WHETHER THE ANIMAL**
20 **CONTROL AGENCY IS A SUBUNIT OF A COUNTY CRIMINAL JUSTICE AGENCY.**

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

26 (vi) ~~(v)~~—Establish fees for access, use, or dissemination of
27 information from criminal justice information systems.

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

5 (c) Establish minimum standards for equipment and software and
6 its installation.

7 (d) Advise the governor on issues concerning the criminal
8 justice information systems.

9 (2) A person having direct access to nonpublic information in
10 the information systems governed by this act shall submit a set of
11 fingerprints for comparison with state and federal criminal history
12 records to be approved for access pursuant to the C.J.I.S. security
13 policy. A report of the comparison shall be provided to that
14 person's employer.

15 (3) A person shall not access, use, or disclose nonpublic
16 information governed under this act for personal use or gain.

17 (4) The attorney general or his or her designee, a prosecuting
18 attorney, or the court, in a criminal case, may disclose to the
19 defendant or the defendant's attorney of record information
20 pertaining to that defendant that was obtained from the law
21 enforcement information system.

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

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

26 (a) For a first offense, the person is guilty of a misdemeanor
27 punishable by imprisonment for not more than 93 days or a fine of

1 not more than \$500.00, or both.

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