

SENATE BILL No. 1034

December 17, 2009, Introduced by Senator GARCIA and referred to the Committee on Appropriations.

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, and
by adding section 4a.

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 a public or private school superintendent,
17 principal, or assistant principal to receive vehicle registration
18 information, of a vehicle within 1,000 feet of school property,
19 obtained through the law enforcement information network by a law
20 enforcement agency.

21 (v) ~~Establish~~ **SUBJECT TO SECTION 4A, ESTABLISH** fees for
22 access, use, or dissemination of information from criminal justice
23 information systems.

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

1 (c) Establish minimum standards for equipment and software and
2 its installation.

3 (d) Advise the governor on issues concerning the criminal
4 justice information systems.

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

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

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

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

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

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

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

1 SEC. 4A. (1) THE TOTAL AMOUNT OF ALL FEES CHARGED TO USERS OF
2 THE LAW ENFORCEMENT INFORMATION NETWORK SHALL BE EQUAL TO THE
3 FOLLOWING PROPORTION OF THE STATE'S SERVICE AND CONTRACT
4 MAINTENANCE COSTS FOR THE LAW ENFORCEMENT INFORMATION NETWORK:

5 (A) BEGINNING OCTOBER 1, 2010 UNTIL SEPTEMBER 30, 2011, 25% OF
6 THE STATE'S COSTS.

7 (B) BEGINNING OCTOBER 1, 2011 UNTIL SEPTEMBER 30, 2012, 20% OF
8 THE STATE'S COSTS.

9 (C) BEGINNING OCTOBER 1, 2012 UNTIL SEPTEMBER 30, 2013, 15% OF
10 THE STATE'S COSTS.

11 (D) BEGINNING OCTOBER 1, 2013 UNTIL SEPTEMBER 30, 2014, 10% OF
12 THE STATE'S COSTS.

13 (E) BEGINNING OCTOBER 1, 2014 UNTIL SEPTEMBER 30, 2015, 5% OF
14 THE STATE'S COSTS.

15 (2) BEGINNING OCTOBER 1, 2015, THE COUNCIL SHALL NOT CHARGE
16 FEES FOR USE OF THE LAW ENFORCEMENT INFORMATION NETWORK.