

SENATE BILL No. 522

June 23, 2011, Introduced by Senators CASWELL, KAHN, PROOS, PAPPAGEORGE, JANSEN, COLBECK, WALKER, JONES, GREEN, MOOLENAAR, ROBERTSON and ROCCA 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.

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

1 enforcement information network or the automated fingerprint
2 identification system by a governmental agency engaged in the
3 enforcement of child support laws, child protection laws, or
4 vulnerable adult protection laws.

5 (iii) ENSURE ACCESS BY THE DEPARTMENT OF HUMAN SERVICES TO
6 INFORMATION NECESSARY TO IMPLEMENT SECTION 10C OF THE SOCIAL
7 WELFARE ACT, 1939 PA 280, MCL 400.10C.

8 (iv) ~~(iii)~~—Authorize a fire chief of an organized fire department
9 or 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 (v) ~~(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 (vi) ~~(v)~~—Establish fees for access, use, or dissemination of
22 information from criminal justice information systems.

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

27 (c) Establish minimum standards for equipment and software and

1 its installation.

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

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

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

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

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

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

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

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

27 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 4721 of the 96th Legislature is enacted into
2 law.