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BILL



ANALYSIS

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Senate Bill 383 (as introduced 5-17-17)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 5-23-17

CONTENT

The bill would amend the Child Identification and Protection Act to do the following:

- **Provide that certain conditions that govern fingerprinting a child would not apply to the fingerprinting of a child or youth with special health care needs.**
- **Require fingerprints to be forwarded to the FBI only in the case of a child or youth with special health care needs.**

The bill would take effect 90 days after its enactment.

Fingerprinting of a Child

Section 4 of the Act governs the conditions under which a governmental unit is permitted or required to fingerprint a child. A governmental unit may fingerprint a child if a parent or guardian has given written authorization for the taking of the fingerprints for use in the future if the child becomes a runaway or a missing child. A governmental unit also may take fingerprints if they are voluntarily given with the written permission of the child and parent or guardian, upon request of a law enforcement officer, to aid in a specific criminal investigation. A governmental unit must fingerprint a child if fingerprints are required to be taken under certain provisions of law or if fingerprinting is required by court order.

Under the bill, these conditions would apply except for fingerprints taken from a child or special health care needs under the process provided for fingerprinting those individuals (described below).

Submission of Photos & Fingerprints to the FBI

Currently, the Michigan Department of State Police (MSP) must forward the fingerprints and photographs taken under Section 4 to the Director of the Federal Bureau of Investigation for registration, storage, and use for identification purposes by the FBI.

Under the bill, this requirement would apply only to the fingerprints and photographs taken of a child or youth with special health care needs.

MCL 722.774

BACKGROUND

Public Act 24 of 2017 amends the Child Identification and Protection Act to allow the parent or guardian of a child or youth with special health care needs to request an entity approved

by the Michigan Department of State Police to take the child's or youth's fingerprints or photograph and add them to the AFIS database and the statewide network of agency photos maintained by the MSP. Public Act 24 will take effect on August 2, 2017.

"Child or youth with special health care needs" means a single or married individual under 21 years of age whose activity is or may become so restricted by disease or specified medical condition as to reduce his or her normal capacity for education and self-support.

A written request must be made on a form posted on the MSP website. Along with the form, the MSP must provide a list of Department-approved entities. When a child or youth with special health care needs is presented at an approved entity to have his or her fingerprints and photograph taken, the entity must require the parent or guardian to execute a signed waiver.

The Act also allows a parent or guardian to make a written request to the MSP to have the fingerprints and photograph of a child or youth with special health care needs removed from the AFIS database and the statewide network of agency photos. The MSP must remove them upon receiving the request.

MCL 722.774

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.