



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 712 (as introduced 12-5-17)

Sponsor: Senator Jim Stamas

Committee: Judiciary

Date Completed: 12-12-17

CONTENT

The bill would amend the Freedom of Information Act to do the following:

- **Specify that a public body that maintained a law enforcement records management system and stored public records for a subscribing public body would not be in possession of, or the custodian of, a public record stored for the subscriber.**
- **Require a public body that maintained a law enforcement records management system and that received a request for a public record stored for another public body to notify the requesting person to submit the request to the subscribing public body.**

Under the Act, a person has a right to inspect, copy, or receive copies of a public record of a public body, upon submitting a written request that describes the public record sufficiently to enable the public body to find it. The Act also requires the custodian of a public record, upon written request, to furnish a requesting person a certified copy of the public record. "Public record" means a writing prepared, owned, used, retained by, or in the possession of a public body in the performance of an official function. Unless otherwise agreed to by the person making a request, a public body must respond to the request within five business days after receiving it by doing one of the following: a) granting the request; b) denying the request; c) granting the request in part and denying it in part; or d) issuing a notice extending for a maximum of 10 business days the period during which the public body must respond to the request.

Under the bill, notwithstanding any other provision of the Act to the contrary, a public body that maintained a law enforcement records management system and stored public records for another subscribing public body would not be in possession of, or the custodian of, a public record stored on behalf of a public body that subscribed to the system. If the public body that maintained the system received a written request for a public record that was stored on behalf of another public body, the public body that maintained the system would have to provide written notice to the requesting person that the requesting person would have to submit the request to the subscribing public body within 15 business days of receiving the request.

MCL 15.235

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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