



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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Senate Bill 712 (Substitute S-1)  
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 public body that subscribed to the system, would not be in possession of, retaining, or the custodian of a public record stored for the subscriber.**
- Require a public body that maintained a law enforcement records management system an received a request for a public record stored for a subscribing public body to notify the requesting person of the identity of the subscribing public body and state that the person should submit the request to it.**

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 with 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 a public body that subscribed to the system would not be in possession of, retaining, or the custodian of a public record stored on behalf of the subscribing public body. If the public body that maintained the system received a written request for a public record that was stored on behalf of a subscribing public body, the public body that maintained the system, within 10 business days after receiving the request, would have to provide written notice to the requesting person identifying the subscribing public body and stating that the requesting person would have to submit the request to the subscribing public body.

"Law enforcement records management system" would mean a data storage system that may be used voluntarily by subscribers, including any subscribing bodies, to share information and facilitate intergovernmental collaboration in the provision of law enforcement services.

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