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BILL



ANALYSIS

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House Bill 4508 (Substitute S-1 as reported)
Sponsor: Representative Brandt Iden
House Committee: Communications and Technology
Senate Committee: Energy and Technology

CONTENT

The bill would create the "Cyber Civilian Corps Act" to do the following

- Establish the Michigan Cyber Civilian Corps program within the Department of Technology, Management, and Budget (DTMB).
- Allow the DTMB to invite and appoint individuals with expertise in addressing cybersecurity incidents to serve as Michigan Cyber Civilian Corps volunteers who would provide response and assistance during such incidents.
- Require all volunteers to consent to a criminal history check and a criminal records check.
- Provide that a volunteer would be immune from tort liability while deployed, if certain conditions were met, and the State would be immune from liability for a volunteer's acts or omissions.
- Prescribe the manner in which the DTMB would deploy volunteers to respond to cybersecurity incidents upon the request of a client (a municipal, educational, nonprofit, or business organization); and allow the DTMB to charge clients a fee.
- Create an advisory board to review and make recommendations to the DTMB.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The Department of Technology, Management, and Budget has indicated that the creation of the Michigan Cyber Civilian Corps would not increase its administrative costs as those costs are already provided for. Any additional costs resulting from the bill would be absorbed within the DTMB's annual appropriations. It is expected that any costs associated with the bill's provision allowing the Department to reimburse volunteers for claims made or civil actions brought against the volunteers would be minimal due to the provision that would extend immunity from tort liability if certain criteria were met. Potential costs to the DTMB for these reimbursements are indeterminate and dependent on each individual case.

In addition, the bill would require the Michigan Department of State Police (MSP), upon the DTMB's request, to do a criminal history check and conduct a criminal records check through the FBI on volunteers, and report the results to the DTMB. Currently, the cost of each background check, which includes a search of State and Federal fingerprint databases, is \$42 (\$30 State, \$12 Federal). Also, under current law, a law enforcement agency or vendor that takes fingerprints for submission to the MSP may charge a nominal fee for doing so (often \$15 or less, if anything). The bill does not specify who would assume the cost of fingerprint processing by the MSP. Current law states that the fee for fingerprint processing may not exceed the actual and reasonable cost incurred by the MSP.

Date Completed: 9-18-17

Fiscal Analyst: Bruce Baker/Joe Carrasco

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Bill Analysis @ www.senate.michigan.gov/sfa

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