

SUBSTITUTE FOR
SENATE BILL NO. 383

A bill to amend 1985 PA 176, entitled
"Child identification and protection act,"
by amending section 4 (MCL 722.774), as amended by 2017 PA 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~The~~ **EXCEPT FOR FINGERPRINTS TAKEN FROM A CHILD OR**
2 **YOUTH WITH SPECIAL HEALTH CARE NEEDS UNDER THE PROCESS PROVIDED FOR**
3 **IN SUBSECTION (2), THE** following conditions govern a governmental
4 unit's authority to fingerprint a child:

5 (a) A governmental unit may fingerprint a child if a parent or
6 guardian has given written authorization for the taking of the
7 fingerprints for use in the future if the child becomes a runaway
8 or a missing child. Only 1 set of prints shall be taken and the
9 fingerprint cards ~~shall~~ **MUST** be given to the parent or guardian for

1 safekeeping. The fingerprints, written authorizations for
2 fingerprinting, or notice of their existence ~~shall~~**MUST** not be
3 recorded, stored, or kept in any manner by a police agency, except
4 as provided in this subdivision or except at the request of the
5 parent or guardian if the child becomes a runaway or a missing
6 child. If the child is located or the case is otherwise disposed
7 of, the fingerprint cards ~~shall~~**MUST** be returned to the parents or
8 guardian.

9 (b) A governmental unit shall fingerprint a child if required
10 under section 3 of 1925 PA 289, MCL 28.243, section 1 of 1935 PA
11 120, MCL 28.271, or section 724 of the mental health code, 1974 PA
12 258, MCL 330.1724.

13 (c) A governmental unit shall fingerprint a child if
14 fingerprinting is required by court order.

15 (d) A governmental unit may fingerprint a child if
16 fingerprints are voluntarily given with the written permission of
17 the child and parent or guardian, upon request of a law enforcement
18 officer, to aid in a specific criminal investigation. Only 1 set of
19 prints shall be taken and, upon completion of the investigation,
20 the law enforcement agency shall return the fingerprint cards to
21 the parent or guardian of the child.

22 (2) A parent or guardian of a child or youth with special
23 health care needs may submit a written request to a department-
24 approved entity to take the fingerprints and photograph of the
25 child or youth with special health care needs and add them to the
26 automated fingerprint identification system (AFIS) database and the
27 statewide network of agency photos maintained by the department. As

1 used in this subsection and subsections (5), (6), and (8), "parent"
2 means the natural or adoptive parent of a child or youth with
3 special health care needs who has either or both sole or joint
4 legal or physical custody of the child if a court order dictating
5 custody is in place, or the natural or adoptive parent of a child
6 or youth with special health care needs if there is no court order
7 dictating custody in place.

8 (3) A written request made under subsection (2) ~~shall~~**MUST** be
9 made on a form posted on the department's website. Along with the
10 form, the department shall provide a list of department-approved
11 entities on the department's website.

12 (4) The department may charge a fee sufficient to reimburse
13 the department for the costs associated with processing a request
14 under subsection (2).

15 (5) At the time a child or youth with special health care
16 needs is presented at a department-approved entity to have his or
17 her fingerprints and photograph taken **UNDER SUBSECTION (2)**, the
18 department-approved entity taking the fingerprints and photograph
19 shall require the parent or guardian presenting the child or youth
20 with special health care needs to execute a signed waiver allowing
21 the child's fingerprints and digital image to be collected.

22 (6) At the time a child or youth with special health care
23 needs is presented at a department-approved entity to have his or
24 her fingerprints and photograph taken **UNDER SUBSECTION (2)**, the
25 department-approved entity taking fingerprints and photograph shall
26 require the parent or guardian presenting the child or youth with
27 special health care needs to remit the fee described in subsection

1 (4). The department-approved entity shall forward the fee collected
2 under this subsection to the department in the manner the
3 department prescribes.

4 (7) The department shall forward the fingerprints and
5 photographs taken under ~~this section~~ **SUBSECTION (2)** to the director
6 of the Federal Bureau of Investigation on forms furnished by or in
7 a manner prescribed by the director for registration, storage, and
8 use for identification purposes by the Federal Bureau of
9 Investigation.

10 (8) A parent or guardian may make a written request to the
11 department to have the fingerprints and photograph of a child or
12 youth with special health care needs taken under ~~this section~~
13 **SUBSECTION (2)** removed from the automated fingerprint
14 identification system (AFIS) database and the statewide network of
15 agency photos. The department shall remove the fingerprints and
16 photograph of a child or youth with special health care needs taken
17 under ~~this section~~ **SUBSECTION (2)** from the automated fingerprint
18 identification system (AFIS) database and the statewide network of
19 agency photos upon receipt of a written request made by a parent or
20 guardian under this subsection.

21 Enacting section 1. This amendatory act takes effect August 2,
22 2017.