

HOUSE BILL No. 4537

April 26, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

A bill to amend 1974 PA 163, entitled
"C.J.I.S. policy council act,"
by amending section 4 (MCL 28.214), as amended by 2011 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The council shall do all of the following:

2 (a) Establish policy and promulgate rules governing access,
3 use, and disclosure of information in criminal justice information
4 systems, including the law enforcement information network, the
5 automated fingerprint information system, and other information
6 systems related to criminal justice or law enforcement. The policy
7 and rules shall do all of the following:

8 (i) Ensure access to information obtained by a federal, state,
9 or local governmental agency to administer criminal justice or

1 enforce any law.

2 (ii) Ensure access to information provided by the law
3 enforcement information network or the automated fingerprint
4 identification system by a governmental agency engaged in the
5 enforcement of child support laws, child protection laws, or
6 vulnerable adult protection laws.

7 (iii) Ensure access by the department of **HEALTH AND** human
8 services to information necessary to implement section 10c of the
9 social welfare act, 1939 PA 280, MCL 400.10c.

10 (iv) Authorize a fire chief of an organized fire department or
11 his or her designee to request and receive information obtained
12 through the law enforcement information network by a law
13 enforcement agency for the following purposes:

14 (A) A preemployment criminal convictions history.

15 (B) A preemployment driving record.

16 (C) Vehicle registration information for vehicles involved in
17 a fire or hazardous materials incident.

18 (v) Authorize a public or private school superintendent,
19 principal, or assistant principal to receive vehicle registration
20 information, of a vehicle within 1,000 feet of school property,
21 obtained through the law enforcement information network by a law
22 enforcement agency.

23 (vi) Establish fees for access, use, or dissemination of
24 information from criminal justice information systems.

25 (b) Review applications for C.J.I.S. access and approve or
26 disapprove the applications and the sites. If an application is
27 disapproved, the applicant ~~shall~~**MUST** be notified in writing of the

1 reasons for disapproval.

2 (c) Establish minimum standards for equipment and software and
3 its installation.

4 (d) Advise the governor on issues concerning the criminal
5 justice information systems.

6 **(E) ESTABLISH POLICY AND PROMULGATE RULES CONCERNING THE**
7 **EXPUNCTION, DESTRUCTION, OR BOTH, OF INFORMATION AND DATA IN**
8 **CRIMINAL JUSTICE INFORMATION SYSTEMS, INCLUDING THE LAW ENFORCEMENT**
9 **INFORMATION NETWORK, THE AUTOMATED FINGERPRINT INFORMATION SYSTEM,**
10 **AND OTHER INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW**
11 **ENFORCEMENT, AS REQUIRED UNDER SECTION 26A OF CHAPTER IV OF THE**
12 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.26A.**

13 (2) A person having direct access to nonpublic information in
14 the information systems governed by this act shall submit a set of
15 fingerprints for comparison with state and federal criminal history
16 records to be approved for access under the C.J.I.S. security
17 policy. A report of the comparison shall be provided to that
18 person's employer.

19 (3) A person shall not access, use, or disclose nonpublic
20 information governed under this act for personal use or gain.

21 (4) The attorney general or his or her designee, a prosecuting
22 attorney, or the court, in a criminal case, may disclose to the
23 defendant or the defendant's attorney of record information
24 pertaining to that defendant that was obtained from the law
25 enforcement information system.

26 (5) A person shall not disclose information governed under
27 this act in a manner that is not authorized by law or rule.

1 (6) A person who intentionally violates subsection (3) or (5)
2 is guilty of a crime as follows:

3 (a) For a first offense, the person is guilty of a misdemeanor
4 punishable by imprisonment for not more than 93 days or a fine of
5 not more than \$500.00, or both.

6 (b) For a second or subsequent offense, the person is guilty
7 of a felony punishable by imprisonment for not more than 4 years or
8 a fine of not more than \$2,000.00, or both.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless both of the following bills of the 99th Legislature are
13 enacted into law:

14 (a) Senate Bill No.____ or House Bill No. 4536 (request no.
15 02766'17).

16 (b) Senate Bill No.____ or House Bill No. 4538 (request no.
17 02766'17 b).