

SENATE BILL No. 383

May 17, 2017, Introduced by Senator JONES and referred to the Committee on Judiciary.

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

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

11 (b) A governmental unit shall fingerprint a child if required
12 under section 3 of 1925 PA 289, MCL 28.243, section 1 of 1935 PA
13 120, MCL 28.271, or section 724 of the mental health code, 1974 PA
14 258, MCL 330.1724.

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

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

24 (2) A parent or guardian of a child or youth with special
25 health care needs may submit a written request to a department-
26 approved entity to take the fingerprints and photograph of the
27 child or youth with special health care needs and add them to the

1 automated fingerprint identification system (AFIS) database and the
2 statewide network of agency photos maintained by the department. As
3 used in this subsection and subsections (5), (6), and (8), "parent"
4 means the natural or adoptive parent of a child or youth with
5 special health care needs who has either or both sole or joint
6 legal or physical custody of the child if a court order dictating
7 custody is in place, or the natural or adoptive parent of a child
8 or youth with special health care needs if there is no court order
9 dictating custody in place.

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

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

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

24 (6) At the time a child or youth with special health care
25 needs is presented at a department-approved entity to have his or
26 her fingerprints and photograph taken **UNDER SUBSECTION (2)**, the
27 department-approved entity taking fingerprints and photograph shall

1 require the parent or guardian presenting the child or youth with
2 special health care needs to remit the fee described in subsection
3 (4). The department-approved entity shall forward the fee collected
4 under this subsection to the department in the manner the
5 department prescribes.

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

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

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