

## COMMUNICATION IMPEDIMENT DESIGNATION ON A PERSONAL IDENTIFICATION CARD

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5541 as introduced**  
**Sponsor: Rep. Frank Liberati**  
**1st Committee: Health Policy**  
**2nd Committee: Transportation**  
**Revised 3-10-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5541 would amend the State Personal Identification Card Act to allow an individual applying for a state personal ID card to elect to have a ***communication impediment*** designation maintained in the central personal ID card file or another appropriate system limited to law enforcement. Additionally, the bill would require the Secretary of State (SOS), in conjunction with the Department of State Police (MSP), to incorporate a way to view a communication impediment designation using the Law Enforcement Information Network (LEIN)<sup>1</sup> or another appropriate system that would limit access to law enforcement.

***Communication impediment*** would mean that an individual has a health condition that may impede communication with a police officer, including the following:

- Deafness or hearing loss.
- An autism spectrum disorder.

An individual seeking such a designation would have to provide to the Secretary of State (SOS) a certification, signed by a physician, physician's assistant, certified nurse practitioner, or physical therapist licensed to practice in Michigan, that identifies the individual for whom the designation is being elected and attests to the nature of the communication impediment.

The SOS could not display the communication impediment designation on the person's official state personal ID card.

A person who intentionally made a false statement of material fact or committed or attempted to commit a deception or fraud on the statement provided by the health professional would be guilty of a misdemeanor punishable by imprisonment for up to 30 days or a fine of up to \$500, or both.

Finally, the bill would authorize the SOS to cancel or revoke a communication impediment designation upon determining that it was elected fraudulently or erroneously or that it was abused during a traffic stop. The Secretary of State would have to provide the person with notice and an opportunity to be heard before canceling or revoking the designation.

MCL 28.291 and 28.292

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<sup>1</sup> The Michigan Law Enforcement Information Network (LEIN) is a statewide computerized information system, which was established July 1, 1967, as a service to Michigan's criminal justice agencies. The goal of LEIN is to assist the criminal justice community in the performance of its duties by providing and maintaining a computerized filing system of accurate and timely documented criminal justice information readily available to all criminal justice agencies. Access to LEIN is restricted to criminal justice agencies or those agencies statutorily granted authorization. [https://www.michigan.gov/msp/0,4643,7-123-3493\\_72291---,00.html](https://www.michigan.gov/msp/0,4643,7-123-3493_72291---,00.html)

## **FISCAL IMPACT:**

House Bill 5541 would have an indeterminate fiscal impact on the state and on local units of government. It is not known how many individuals would intentionally make false statements or commit or attempt to commit deception or fraud, or how many misdemeanor convictions would result under provisions of the bill. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5541 would also result in an undetermined increase in costs to the Department of State (DOS) and the Department of State Police (MSP) related to information technology (IT) programming to the departments' computer systems.

DOS would incur costs to the department's driver license vendor, which DOS estimates to be approximately \$200,000, and for including the additional medical information into individuals' driving record. It is not yet determined what total costs for DOS would be and it is not known how much of the required programming work could be incorporated into DOS's ongoing modernization of its computerized driver records system. Work on the driver side of the new system, known as the Customer and Automotive Records System (CARS), is scheduled to be completed in February 2021. It is not yet known to what degree this ongoing IT work could absorb additional programming costs from the bill.

The bill would also result in IT programming costs to MSP related to updating its Criminal Justice Information System for law enforcement personnel to view whether an individual has been issued a communication impediment designation.

Legislative Analyst: Jenny McInerney  
Fiscal Analysts: Michael Cnossen  
Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.