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House Bill 5541 (as passed by the House)
Sponsor: Representative Frank Liberati
House Committee: Transportation
 Ways and Means
Senate Committee: Transportation and Infrastructure

Date Completed: 6-4-20

CONTENT

The bill would amend Public Act 222 of 1972, which governs the issuance and use of an official State personal identification (ID) card, to do the following:

- Allow an individual to elect a communication impediment designation on the application for an official State personal ID card maintained by the Secretary of State (SOS).**
- Require an individual seeking an election for a communication impediment designation to provide the SOS with a certification of the impediment.**
- Prescribe penalties for a person who intentionally made a false statement of material fact or committed or attempted to commit a deception or fraud on the required certification.**
- Prohibit the SOS from displaying an individual's communication impediment designation on the individual's State personal ID card.**
- Allow the SOS to cancel or revoke a communication impediment designation if the designation were fraudulent, erroneous, or abused.**

Application for Designation

Under the bill, if an individual met the requirements described below, the SOS would have to allow the individual to elect a communication impediment designation on the application maintained in the central file under Section 7 of the Act or in another appropriate system that limited access to law enforcement that would allow law enforcement agencies of the State to view a communication impediment designation with an official State personal identification card. "Communication impediment" would mean an individual who has a health condition that may impede communication with a police officer, including, but not limited to deafness or hearing loss or an autism spectrum disorder.

(Section 7 of the Act requires the SOS to establish and maintain a computerized central file of the information contained on application forms received under the Act and to make this file interfaced with the Law Enforcement Information Network (LEIN).)

An individual seeking an election for a communication impediment designation would have to provide the SOS a certification that met all of the following:

- Was signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in the State.**

- Identified the individual for whom the communication impediment was being elected.
- Attested to the nature of the health condition that could impede communication.

The SOS could not display an individual's communication impediment designation on the individual's State personal identification card.

A person who intentionally made a false statement of material fact or committed or attempted to commit a deception or fraud on a statement described above would be guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500, or both.

Cancellation or Revocation of Designation

Under the bill, subject to the notice requirements below, the SOS could cancel or revoke a communication impediment designation elected and maintained under the bill if either of the following circumstances applied:

- The SOS determined that a communication impediment designation was fraudulently or erroneously elected.
- The SOS determined the communication impediment designation was abused during a traffic stop.

The SOS would have to provide an individual notice and an opportunity to be heard before canceling or revoking a communication impediment designation as described above.

LEIN Requirements

Under the Act, the SOS must develop and, in conjunction with the Department of State Police, implement a process using LEIN or any other appropriate system that limited access to law enforcement that allowed law enforcement agencies of the State to access emergency contact information that the holder of an official State personal identification card has voluntarily provided to the SOS. Under the bill, LEIN or other appropriate system as described above also would have to allow law enforcement agencies of the State to view a communication impediment designation.

MCL 28.291 & 28.292

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would increase costs to the Department of State by an indeterminate amount. A requirement to provide an option for an individual to elect a communication impediment designation on his or her State personal ID card would result in the Department's having to reprogram its information technology systems to accommodate this proposed change. The upgrade would result in additional costs for the Department; however, these costs are indeterminate and would depend on whether the changes to the systems could be incorporated into the Department's current upgrade of its computer and software systems. If not, additional programming and software updates could be necessary, which would increase the costs to the Department.

The Department of State Police would incur additional costs under the bill, in an amount that cannot be determined at this time, for necessary programming costs for LEIN to accommodate the bill's provisions.

The bill also would have an additional negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.