

# HOUSE BILL NO. 4535

April 30, 2019, Introduced by Reps. Berman, LaGrand and LaFave and referred to the Committee on Judiciary.

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 2018 PA 66, and  
by adding section 4a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 4. (1) The council **or the department of state police**  
2 shall do all of the following:  
3           (a) Establish policy and promulgate rules governing access,



1 use, and disclosure of information in criminal justice information  
2 systems, including the law enforcement information network, the  
3 automated fingerprint information system, and other information  
4 systems related to criminal justice or law enforcement. The policy  
5 and rules must do all of the following:

6 (i) Ensure access to information obtained by a federal, state,  
7 or local governmental agency to administer criminal justice or  
8 enforce any law.

9 (ii) Ensure access to information provided by the law  
10 enforcement information network or the automated fingerprint  
11 identification system by a governmental agency engaged in the  
12 enforcement of child support laws, child protection laws, or  
13 vulnerable adult protection laws.

14 (iii) Ensure access by the department of health and human  
15 services to information necessary to implement section 10c of the  
16 social welfare act, 1939 PA 280, MCL 400.10c.

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

21 (A) A preemployment criminal convictions history.

22 (B) A preemployment driving record.

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

25 (v) Authorize a public or private school superintendent,  
26 principal, or assistant principal to receive vehicle registration  
27 information, of a vehicle within 1,000 feet of school property,  
28 obtained through the law enforcement information network by a law  
29 enforcement agency.



1       (vi) Ensure access to client information contained in the law  
2 enforcement information network by a criminal defense attorney who  
3 meets the requirements of section 4a and submits an electronic  
4 statement affirming that the attorney meets the requirements of  
5 section 4a and is currently representing the client before access  
6 is granted.

7       (vii) ~~(vi)~~ Establish fees for access, use, or dissemination of  
8 information from criminal justice information systems.

9       (b) Review applications for C.J.I.S. access and approve or  
10 disapprove the applications and the sites. If an application is  
11 disapproved, the applicant must be notified in writing of the  
12 reasons for disapproval.

13       (c) Establish minimum standards for equipment and software and  
14 its installation.

15       (d) Advise the governor on issues concerning the criminal  
16 justice information systems.

17       (e) Establish policy and promulgate rules concerning the  
18 expunction, destruction, or both, of information and data in  
19 criminal justice information systems, including the law enforcement  
20 information network, the automated fingerprint information system,  
21 and other information systems related to criminal justice or law  
22 enforcement, as required under section 26a of chapter IV of the  
23 code of criminal procedure, 1927 PA 175, MCL 764.26a.

24       (2) A person having direct access to nonpublic information in  
25 the information systems governed by this act shall submit a set of  
26 fingerprints for comparison with state and federal criminal history  
27 records to be approved for access under the C.J.I.S. security  
28 policy. A report of the comparison must be provided to that  
29 person's employer.



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

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

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

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

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

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

18 **Sec. 4a. (1) An individual may access the law enforcement**  
19 **information network under section 4(1)(a)(vi) if he or she is**  
20 **licensed and authorized to practice law in this state and regularly**  
21 **represents defendants in criminal actions, and satisfies the**  
22 **training requirements established by the department of state**  
23 **police.**

24 (2) The department of state police shall promulgate rules  
25 establishing the minimum standards of training required under  
26 subsection (1). Except as provided under subsection (3), the  
27 minimum standards must be equivalent to the minimum standards of  
28 training required for a law enforcement officer to access the law  
29 enforcement information network.



1           (3) The training under subsection (1) is not required to  
2 include training on the entry or modification of information in the  
3 law enforcement information network.

4           (4) An individual who provides a false electronic statement  
5 under section 4(1)(a)(vi) to access information contained in the law  
6 enforcement information network is guilty of a misdemeanor  
7 punishable by imprisonment for not more than 92 days or a fine of  
8 not more than \$500.00, or both.

