SENATE BILL NO. 708

        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.

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*) Establish fees for access, use, or dissemination of

2   information from criminal justice information systems.

3   (b) Review applications for C.J.I.S. access and approve or

4   disapprove the applications and the sites. If an application is

5   disapproved, the applicant must be notified in writing of the

6   reasons for disapproval.

7   (c) Establish minimum standards for equipment and software and

8   its installation.

9   (d) Advise the governor on issues concerning the criminal

10 justice information systems.

11 (e) Establish policy and promulgate rules concerning the

12 expunction, destruction, or both, of information and data in

13 criminal justice information systems, including the law enforcement

14 information network, the automated fingerprint information system,

15 and other information systems related to criminal justice or law

16 enforcement, as required under section ~~26a~~ **26a(1)** of chapter IV of

17 the code of criminal procedure, 1927 PA 175, MCL 764.26a.

18 **(f) Establish policy and promulgate rules concerning the**

19 **return of information and data collected for criminal justice**

20 **information systems during arrest or detention and the destruction**

21 **of arrest information in criminal justice information systems, as**

22 **required under section 26a(3) of chapter IV of the code of criminal**

23 **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   Enacting section 1. This amendatory act does not take effect
19   unless Senate Bill No. 706 of the 100th Legislature is enacted into
20   law.