



HOUSE BILL No. 5208

October 5, 1995, Introduced by Reps. Jellema, Perricone, Hill, Hammerstrom, McBryde, Byl, Dalman, Voorhees, Goschka, Ryan, Gernaat, Green and Bush and referred to the Committee on Local Government.

A bill to provide for access to the law enforcement information network by certain fire service agencies under certain circumstances; and to provide for certain civil remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Administration of criminal justice" means the per-
3 formance of any of the following activities:

4 (i) Detection, apprehension, detention, pretrial release,
5 posttrial release, prosecution, adjudication, correctional super-
6 vision, or rehabilitation of accused persons or criminal
7 offenders.

8 (ii) Identification of criminal offenders.

9 (iii) Collection, storage, and dissemination of criminal
10 history record information.

1 (b) "Fire chief of an organized fire department" means the
2 chief operating officer of an organized fire department.

3 (c) "Law enforcement agency" means either of the following:

4 (i) The police agency of a city, village, or township.

5 (ii) The sheriff's department of a county.

6 (d) "Local unit of government" means a city, village, town-
7 ship, or county.

8 (e) "Organized fire department" means an organization or
9 department that provides fire suppression and other fire related
10 services within a city, village, or township and is a fire
11 department of a city, village, or township, or a fire service
12 designated by a city, village, or township pursuant to a
13 contract. Organized fire department includes a department of
14 county employees who are responsible for fire suppression and
15 other fire related services for an airport operated by the county
16 or an agency of the county.

17 (f) "Person" means an individual, partnership, corporation,
18 association, governmental entity, or other legal entity.

19 Sec. 3. The fire chief of an organized fire department or
20 his or her designee may receive information through the law
21 enforcement information network as provided in the L.E.I.N.
22 policy council act, Act No. 163 of the Public Acts of 1974, being
23 sections 28.211 to 28.216 of the Michigan Compiled Laws, for both
24 of the following:

25 (a) Pre-employment and periodic criminal convictions history
26 check.

(b) Pre-employment and periodic driving record information.

Sec. 5. (1) Subject to subsection (2), if a fire chief or his or her designee requests a law enforcement agency to obtain records or information under section 3, the law enforcement agency may access the law enforcement information network to obtain the requested information.

(2) Subsection (1) does not authorize a law enforcement agency that is not otherwise authorized by law to access the law enforcement information network to obtain records or information under section 3.

Sec. 7. (1) Except as otherwise provided in subsection (2), a record or other information obtained by a law enforcement agency for a fire chief or his or her designee under section 3 concerning an individual is confidential and is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) The law enforcement agency may disclose the record or other information as follows:

(a) To another law enforcement agency for the administration of criminal justice.

(b) To a fire chief or his or her designee for the purpose for which it was obtained.

(3) A person receiving a record or other information made confidential by this section shall disclose the record or other information to others only to the extent consistent with the authorized purpose for which it was obtained.

1 Sec. 9. (1) Except as provided in section 7, a person who
2 discloses a record or other information made confidential by sec-
3 tion 7 is liable for a civil fine of not more than \$10,000.00.

4 (2) The attorney general or county prosecutor may commence a
5 civil action seeking the civil fine prescribed in subsection (1)
6 for a violation of section 7.

7 (3) A default in the payment of a civil fine provided for by
8 this section may be remedied by any means authorized to enforce a
9 judgment under the revised judicature act of 1961, Act No. 236 of
10 the Public Acts of 1961, being sections 600.101 to 600.9947 of
11 the Michigan Compiled Laws.