



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5275 (Substitute H-1 as reported without amendment)

House Bill 5276 (Substitute H-1 as reported without amendment)

House Bill 5277 (Substitute H-1 as reported without amendment)

Sponsor: Representative Gary A. Newell (H.B. 5275)

Representative Michael Nofs (H.B. 5276)

Representative Paul Condino (H.B. 5277)

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

House Bill 5275 (H-1) would amend the L.E.I.N. Policy Council Act to replace the Law Enforcement Information Network (LEIN) Policy Council with the Criminal Justice Information System (CJIS) Policy Council, which would have an expanded membership. The bill would require the council to exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of State Police. The council's budgeting, procurement, and related management functions, however, would have to be performed under the Director's direction and supervision. In addition, the executive secretary of the council would have to be appointed by the Director, subject to the council's approval.

The bill also would change the title of the Act to the "C.J.I.S. Policy Council Act".

House Bill 5276 (H-1) would amend the fingerprinting law to specify that all criminal history information that was associated with a State identification number and was supported by fingerprint impressions or images would have to be disseminated in response to a fingerprint-based or name-based search of the criminal history record database. This provision, however, would not require the dissemination of criminal history information that was nonpublic or was prohibited by law from being disseminated.

House Bill 5277 (H-1) would amend the L.E.I.N. Policy Council Act to do all of the following:

- Require the council to establish policy and promulgate rules governing information in criminal justice information systems.
- Require the council to advise the Governor on issues concerning criminal justice information systems.
- Prohibit a person from gaining access to, using, or disclosing nonpublic information governed under the Act for personal use or gain (which would replace the current prohibition against disclosing LEIN information to a private entity for any purpose); and apply the criminal penalties only to intentional violations.
- Prohibit the disclosure of Automated Fingerprint Identification System (AFIS) and other criminal justice system information (as well as LEIN information) in an unauthorized manner.
- Allow the Attorney General, a prosecuting attorney, or the court to disclose to a defendant or defense counsel information pertaining to that defendant that was obtained from LEIN.

All of the bills would take effect on February 1, 2006. House Bill 5275 (H-1) is tie-barred to Senate Bill 648, which would amend the L.E.I.N. Policy Council Act to make revisions similar to those proposed by House Bills 5275 (H-1) and 5277 (H-1).

MCL 28.211 et al. (H.B. 5275)
Proposed MCL 28.242a (H.B. 5276)
MCL 28.214 (H.B. 5277)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 11-30-05

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.