

SUBSTITUTE FOR  
HOUSE BILL NO. 5277

A bill to amend 1974 PA 163, entitled  
"L.E.I.N. policy council act of 1974,"  
by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) The council shall do all of the following:

2       (a) Establish policy and promulgate rules ~~regarding the~~  
3 ~~operational procedures to be followed by agencies using~~ **GOVERNING**  
4 **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN CRIMINAL JUSTICE**  
5 **INFORMATION SYSTEMS, INCLUDING** the law enforcement information  
6 network, **THE AUTOMATED FINGERPRINT INFORMATION SYSTEM, AND OTHER**  
7 **INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW ENFORCEMENT.**

8       The policy and rules shall do all of the following:

9       (i) **ENSURE ACCESS TO INFORMATION OBTAINED BY A FEDERAL, STATE,**  
10 **OR LOCAL GOVERNMENTAL AGENCY TO ADMINISTER CRIMINAL JUSTICE OR**

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1 **ENFORCE ANY LAW.**

2       (ii) ~~(i)~~ Ensure access to ~~locator~~ information ~~obtained~~  
 3 ~~through~~ **PROVIDED BY** the law enforcement information network ~~by~~  
 4 ~~state and federal agencies and the friend of the court for~~ **OR THE**  
 5 **AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM BY A GOVERNMENTAL**  
 6 **AGENCY ENGAGED IN THE** enforcement of child support ~~programs as~~  
 7 ~~provided under state and federal law~~ **LAWS, CHILD PROTECTION LAWS,**  
 8 **OR VULNERABLE ADULT PROTECTION LAWS.**

9 ~~—— (i) Ensure access to information of an individual being~~  
 10 ~~investigated by a state or county employee who is engaged in the~~  
 11 ~~enforcement of the child protection laws or rules of this state.~~

12       (iii) Authorize a fire chief of an organized fire department or  
 13 his or her designee to request and receive information obtained  
 14 through the law enforcement information network by a law  
 15 enforcement agency for the following purposes:

16       (A) A preemployment criminal convictions history.

17       (B) A preemployment driving record.

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

20       (iv) Authorize a public or private school superintendent,  
 21 principal, or assistant principal to receive vehicle registration  
 22 information, of a vehicle within 1,000 feet of school property,  
 23 obtained through the law enforcement information network by a law  
 24 enforcement agency.

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2           (v)] ESTABLISH FEES FOR ACCESS, USE, OR DISSEMINATION OF  
3 INFORMATION FROM CRIMINAL JUSTICE INFORMATION SYSTEMS.

4           (b) Review applications for ~~network terminals~~ C.J.I.S.  
5 ACCESS and approve or disapprove the applications and the sites.  
6 ~~for terminal installations.~~ If an application is disapproved, the  
7 applicant shall be notified in writing of the reasons for  
8 disapproval.

9           (c) Establish minimum standards for ~~terminal sites~~ EQUIPMENT  
10 AND SOFTWARE and ITS installation.

11           (D) ADVISE THE GOVERNOR ON ISSUES CONCERNING THE CRIMINAL  
12 JUSTICE INFORMATION SYSTEMS.

13           (2) A PERSON HAVING DIRECT ACCESS TO NONPUBLIC INFORMATION IN  
14 THE INFORMATION SYSTEMS GOVERNED BY THIS ACT SHALL SUBMIT A SET OF  
15 FINGERPRINTS FOR COMPARISON WITH STATE AND FEDERAL CRIMINAL HISTORY  
16 RECORDS TO BE APPROVED FOR ACCESS PURSUANT TO THE C.J.I.S. SECURITY  
17 POLICY. A REPORT OF THE COMPARISON SHALL BE PROVIDED TO THAT  
18 PERSON'S EMPLOYER.

19           (3) ~~(2)~~ A person shall not ACCESS, USE, OR disclose  
20 NONPUBLIC information ~~from the law enforcement information network~~  
21 ~~to a private entity for any purpose, including, but not limited to,~~  
22 ~~the enforcement of child support programs~~ GOVERNED UNDER THIS ACT  
23 FOR PERSONAL USE OR GAIN.

24           (4) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, A PROSECUTING  
25 ATTORNEY, OR THE COURT, IN A CRIMINAL CASE, MAY DISCLOSE TO THE  
26 DEFENDANT OR THE DEFENDANT'S ATTORNEY OF RECORD INFORMATION  
27 PERTAINING TO THAT DEFENDANT THAT WAS OBTAINED FROM THE LAW

1 **ENFORCEMENT INFORMATION SYSTEM.**

2 (5) ~~—(3)—~~ A person shall not disclose information ~~—from the~~  
3 ~~law enforcement information network—~~ **GOVERNED UNDER THIS ACT** in a  
4 manner that is not authorized by law or rule.

5 (6) ~~—(4)—~~ A person who **INTENTIONALLY** violates subsection ~~—(2)—~~  
6 ~~or~~ (3) **OR (5)** is **GUILTY OF A CRIME AS FOLLOWS:**

7 (a) For a first offense, **THE PERSON IS** guilty of a misdemeanor  
8 punishable by imprisonment for not more than ~~—90—~~ **93** days or a fine  
9 of not more than \$500.00, or both.

10 (b) For a second or subsequent offense, **THE PERSON IS** guilty  
11 of a felony punishable by imprisonment for not more than 4 years or  
12 a fine of not more than \$2,000.00, or both.

13 Enacting section 1. This amendatory act takes effect February  
14 1, 2006.