

SUBSTITUTE FOR
HOUSE BILL NO. 5275

A bill to amend 1974 PA 163, entitled
"L.E.I.N. policy council act of 1974,"
by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212,
and 28.213) and by adding sections 1a and 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide for the creation of a ~~law enforcement~~
~~information network~~ **CRIMINAL JUSTICE INFORMATION SYSTEMS** policy
council; to provide for the establishment of policy and
promulgation of rules governing ~~the use of the law enforcement~~
~~information network~~ **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN**
CRIMINAL JUSTICE INFORMATION SYSTEMS; ~~and~~ to provide for the
~~appointment and compensation~~ **REIMBURSEMENT** of **EXPENSES OF** council

1 members; **AND TO PROVIDE FOR PENALTIES.**

2 Sec. 1. This act shall be known and may be cited as the
3 ~~"L.E.I.N.— "C.J.I.S. policy council act". —of 1974".~~

4 **SEC. 1A. AS USED IN THIS ACT:**

5 (A) "COUNCIL" MEANS THE CRIMINAL JUSTICE INFORMATION POLICY
6 COUNCIL CREATED IN SECTION 2.

7 (B) "NONPUBLIC INFORMATION" MEANS INFORMATION TO WHICH ACCESS,
8 USE, OR DISSEMINATION IS RESTRICTED BY A LAW OR RULE OF THIS STATE
9 OR THE UNITED STATES.

10 Sec. 2. (1) ~~There is created the law enforcement information~~
11 ~~network—~~ **THE CRIMINAL JUSTICE INFORMATION** policy council —
12 ~~hereafter referred to as the council, comprised—~~ **IS CREATED IN THE**
13 **DEPARTMENT OF STATE POLICE. THE COUNCIL IS COMPOSED** of the
14 following members:

15 (a) The attorney general —, or his ~~designated representative~~
16 **OR HER DESIGNEE.**

17 (b) The secretary of state —, or his ~~designated~~
18 ~~representative—~~ **OR HER DESIGNEE.**

19 (c) The director of the department of corrections —, or his
20 ~~designated representative—~~ **OR HER DESIGNEE.**

21 (d) The ~~commissioner—~~ **CHIEF** of the Detroit police department
22 —, or his ~~designated representative—~~ **OR HER DESIGNEE.**

23 (E) **THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR**
24 **HER DESIGNEE.**

25 (F) ~~—(e)—~~ Three representatives of the department of state
26 police —, ~~to be~~ appointed by the director of the department of
27 state police.

1 (G) ~~-(f)-~~ Three representatives of the Michigan association of
2 chiefs of police ~~—, to be—~~ appointed ~~—annually—~~ by that
3 association.

4 (H) ~~-(g)-~~ Three **FOUR** representatives of the Michigan sheriffs'
5 association ~~—, to be—~~ appointed ~~—annually—~~ by that association.

6 (I) ~~-(h)-~~ Three representatives of the prosecuting attorneys
7 association of Michigan ~~—to be—~~ appointed ~~—annually—~~ by that
8 association.

9 (J) **A REPRESENTATIVE OF THE MICHIGAN DISTRICT JUDGES**
10 **ASSOCIATION APPOINTED BY THAT ASSOCIATION.**

11 (K) **A REPRESENTATIVE OF THE MICHIGAN JUDGES ASSOCIATION**
12 **APPOINTED BY THAT ASSOCIATION.**

13 (L) **THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE.**

14 (M) **AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE OF**
15 **THE GOVERNOR WHO IS EMPLOYED IN OR ENGAGED IN THE PRIVATE SECURITY**
16 **BUSINESS.**

17 (N) **AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE OF**
18 **THE GOVERNOR WHO REPRESENTS HUMAN SERVICES CONCERNS IN THIS STATE.**

19 (O) **THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY**
20 **OR HIS OR HER DESIGNEE.**

21 (2) **THE APPOINTED MEMBERS OF THE COUNCIL SHALL SERVE 2-YEAR**
22 **TERMS AND MAY BE REAPPOINTED.**

23 Sec. 3. (1) The council, ~~—shall,—~~ at its first meeting, **SHALL**
24 elect from its membership a ~~—chairman—~~ **CHAIRPERSON**, who shall serve
25 for 1 year. ~~—Elections thereafter—~~ **AN ELECTION FOR CHAIRPERSON**
26 shall be held annually. A ~~—chairman may—~~ **CHAIRPERSON**, if reelected,
27 **MAY** succeed himself **OR HERSELF**. The council shall meet quarterly ~~—~~

1 during the months of January, April, July, **AND** October ~~—, and at~~
2 ~~other times the chairman deems necessary~~ **OR MORE FREQUENTLY AT THE**
3 **CALL OF THE CHAIRPERSON.**

4 (2) Council members shall serve without compensation, but
5 ~~shall be~~ **ARE** entitled to actual expenses incurred during
6 attendance at a regular or special council meeting and in traveling
7 to and from a meeting.

8 (3) **A MAJORITY OF COUNCIL MEMBERS CONSTITUTE A QUORUM FOR**
9 **CONDUCTING THE BUSINESS OF THE COUNCIL**

10 **SEC. 3A. (1) THE COUNCIL SHALL EXERCISE ITS PRESCRIBED POWERS,**
11 **DUTIES, FUNCTIONS, AND RESPONSIBILITIES INDEPENDENTLY OF THE**
12 **DIRECTOR OF THE DEPARTMENT OF STATE POLICE. THE BUDGETING,**
13 **PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE COUNCIL SHALL**
14 **BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE DIRECTOR OF**
15 **THE DEPARTMENT OF STATE POLICE.**

16 (2) **THE EXECUTIVE SECRETARY OF THE COUNCIL SHALL BE APPOINTED**
17 **BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SUBJECT TO THE**
18 **APPROVAL OF THE COUNCIL.**

19 Enacting section 1. This amendatory act takes effect February
20 1, 2006.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. 648 of the 93rd Legislature is enacted into
23 law.