

SUBSTITUTE FOR
SENATE BILL NO. 648

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, 3, 4, and 5 (MCL 28.211,
28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000
PA 320, and by adding sections 1a and 3a; and to repeal acts and
parts of acts.

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~~

1 ~~information network~~ **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN**
 2 **CRIMINAL JUSTICE INFORMATION SYSTEMS; ~~and~~** to provide for the
 3 ~~appointment and compensation~~ **REIMBURSEMENT OF EXPENSES OF** council
 4 members; **AND TO PROVIDE FOR PENALTIES.**

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

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

8 (A) **"COUNCIL" MEANS THE CRIMINAL JUSTICE INFORMATION POLICY**
 9 **COUNCIL CREATED IN SECTION 2.**

10 (B) **"NONPUBLIC INFORMATION" MEANS INFORMATION TO WHICH ACCESS,**
 11 **USE, OR DISSEMINATION IS RESTRICTED BY A LAW OR RULE OF THIS STATE**
 12 **OR THE UNITED STATES.**

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

18 (a) The attorney general ~~—~~ or his ~~designated representative~~
 19 **OR HER DESIGNEE.**

20 (b) The secretary of state ~~—~~ or his ~~designated~~
 21 ~~representative~~ **OR HER DESIGNEE.**

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

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

26 (E) **THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR**
 27 **HER DESIGNEE.**

1 (F) ~~-(e)-~~ Three representatives of the department of state
2 police ~~, to be~~ appointed by the director of the department of
3 state police.

4 (G) ~~-(f)-~~ Three representatives of the Michigan association of
5 chiefs of police ~~, to be~~ appointed ~~annually~~ by that
6 association.

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

9 (I) ~~-(h)-~~ Three representatives of the prosecuting attorneys
10 association of Michigan ~~to be~~ appointed ~~annually~~ by that
11 association.

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

14 (K) **A REPRESENTATIVE OF THE MICHIGAN JUDGES ASSOCIATION**
15 **APPOINTED BY THAT ASSOCIATION.**

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

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

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

22 (O) **THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY**
23 **OR HIS OR HER DESIGNEE.**

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

26 Sec. 3. (1) The council, ~~shall,~~ at its first meeting, **SHALL**
27 elect from its membership a ~~chairman~~ **CHAIRPERSON**, who shall serve

1 for 1 year. ~~Elections thereafter~~ **AN ELECTION FOR CHAIRPERSON**
2 shall be held annually. A ~~chairman may~~ **CHAIRPERSON**, if reelected,
3 **MAY** succeed himself **OR HERSELF**. The council shall meet quarterly ~~—~~
4 during the months of January, April, July, **AND** October ~~—, and at~~
5 ~~other times the chairman deems necessary~~ **OR MORE FREQUENTLY AT THE**
6 **CALL OF THE CHAIRPERSON.**

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

11 (3) **A MAJORITY OF COUNCIL MEMBERS CONSTITUTE A QUORUM FOR**
12 **CONDUCTING THE BUSINESS OF THE COUNCIL**

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

19 (2) **THE EXECUTIVE SECRETARY OF THE COUNCIL SHALL BE APPOINTED**
20 **BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SUBJECT TO THE**
21 **APPROVAL OF THE COUNCIL.**

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

23 (a) Establish policy and promulgate rules ~~regarding the~~
24 ~~operational procedures to be followed by agencies using~~ **GOVERNING**
25 **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN CRIMINAL JUSTICE**
26 **INFORMATION SYSTEMS, INCLUDING** the law enforcement information
27 network, **THE AUTOMATED FINGERPRINT INFORMATION SYSTEM, AND OTHER**

1 INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW ENFORCEMENT.

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

3 (i) ENSURE ACCESS TO INFORMATION OBTAINED BY A FEDERAL, STATE,
4 OR LOCAL GOVERNMENTAL AGENCY TO ADMINISTER CRIMINAL JUSTICE OR
5 ENFORCE ANY LAW.

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

13 ~~(ii) Ensure access to information of an individual being~~
14 ~~investigated by a state or county employee who is engaged in the~~
15 ~~enforcement of the child protection laws or rules of this state.~~

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

20 (A) A preemployment criminal convictions history.

21 (B) A preemployment driving record.

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

24 (iv) Authorize a public or private school superintendent,
25 principal, or assistant principal to receive vehicle registration
26 information, of a vehicle within 1,000 feet of school property,
27 obtained through the law enforcement information network by a law

1 enforcement agency.

2 (v) AUTHORIZE THE ATTORNEY GENERAL, THE COURT, OR A
3 PROSECUTING ATTORNEY TO DISCLOSE TO A DEFENDANT, OR AN ATTORNEY OF
4 RECORD REPRESENTING THAT DEFENDANT, INFORMATION PERTAINING TO THAT
5 DEFENDANT.

6 (vi) ESTABLISH FEES FOR ACCESS, USE, OR DISSEMINATION OF
7 INFORMATION FROM CRIMINAL JUSTICE INFORMATION SYSTEMS.

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

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

15 (D) ADVISE THE GOVERNOR ON ISSUES CONCERNING THE CRIMINAL
16 JUSTICE INFORMATION SYSTEMS.

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

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

1 (4) ~~—(3)—~~ A person shall not disclose information ~~—from the~~
2 ~~law enforcement information network—~~ **GOVERNED UNDER THIS ACT** in a
3 manner that is not authorized by law or rule.

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

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

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

12 Sec. 5. The council may ~~—remove terminals—~~ **DO ANY OF THE**
13 **FOLLOWING:**

14 (A) **AUTHORIZE ACCESS TO PUBLIC RECORD INFORMATION TO ENHANCE**
15 **PUBLIC SAFETY OR CRIMINAL JUSTICE, AS PERMITTED BY LAW.**

16 (B) **SUSPEND OR DENY THE USE OF, AND ACCESS TO, INFORMATION OR**
17 **REMOVE ACCESS FROM AN AGENCY** if the agency ~~—or entity controlling~~
18 ~~the terminal fails to comply with the established—~~ **VIOLATES**
19 policies or promulgated rules of the council.

20 (C) **SUSPEND OR DENY DIRECT ACCESS TO INFORMATION TO AN**
21 **INDIVIDUAL WHO VIOLATES THIS ACT, POLICIES, OR PROMULGATED RULES OF**
22 **THE COUNCIL.**

23 Enacting section 1. The following acts and parts of acts are
24 repealed:

25 (a) Section 6 of the L.E.I.N. policy council act of 1974, 1974
26 PA 163, MCL 28.216.

27 (b) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151

1 to 28.158.