

HOUSE BILL No. 5277

October 6, 2005, Introduced by Reps. Condino, Newell and Nofs and referred to the Committee on Judiciary.

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 the law
- 4 enforcement information network. The policy and rules shall do all
- 5 of the following:
- 6 (i) Ensure access to locator information obtained through the
- 7 law enforcement information network by state and federal agencies
- 8 and the friend of the court for enforcement of child support
- 9 programs as provided under state and federal law.
- 10 (ii) Ensure access to information of an individual being

1 investigated by a state or county employee who is engaged in the
2 enforcement of the child protection laws or rules of this state.

3 (iii) Authorize a fire chief of an organized fire department or
4 his or her designee to request and receive information obtained
5 through the law enforcement information network by a law
6 enforcement agency for **ANY OF** the following purposes:

7 (A) A preemployment criminal convictions history.

8 (B) A preemployment driving record.

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

11 (iv) Authorize a public or private school superintendent,
12 principal, or assistant principal to receive vehicle registration
13 information, of a vehicle within 1,000 feet of school property,
14 obtained through the law enforcement information network by a law
15 enforcement agency.

16 (b) Review applications for network terminals and approve or
17 disapprove the applications and the sites for terminal
18 installations. If an application is disapproved, the applicant
19 shall be notified in writing of the reasons for disapproval.

20 (c) Establish minimum standards for terminal sites and
21 installation.

22 (2) ~~—A~~ **EXCEPT AS PROVIDED IN SUBSECTION (3), A** person shall
23 not disclose information from the law enforcement information
24 network to a private entity for any purpose, including, but not
25 limited to, the enforcement of child support programs.

26 **(3) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, A PROSECUTING**
27 **ATTORNEY, OR THE COURT, IN A CRIMINAL CASE, MAY DISCLOSE TO THE**

1 DEFENDANT OR THE DEFENDANT'S ATTORNEY OF RECORD INFORMATION
2 PERTAINING TO THAT DEFENDANT THAT WAS OBTAINED FROM THE LAW
3 ENFORCEMENT INFORMATION SYSTEM.

4 (4) ~~(3)~~ A person shall not disclose information from the law
5 enforcement information network in a manner that is not authorized
6 by law or rule.

7 (5) ~~(4)~~ A person who violates subsection (2) or ~~(3)~~ (4) is
8 **GUILTY OF A CRIME, AS FOLLOWS:**

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

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