

FINGERPRINTING RESIDENTS OF STATE
Act 120 of 1935

AN ACT to prescribe a method for the fingerprinting of residents of the state; to provide for the recording and filing of the fingerprints by the central records division of the department of state police; and to impose a fee.

History: 1935, Act 120, Eff. Sept. 21, 1935;—Am. 1985, Act 175, Imd. Eff. Dec. 2, 1985;—Am. 2015, Act 71, Eff. Oct. 1, 2015.

The People of the State of Michigan enact:

***** 28.271 THIS SECTION IS AMENDED EFFECTIVE AUGUST 2, 2017: See 28.271.amended *****

28.271 Request for impression of fingerprints; copies; exception.

Sec. 1. Except as provided in section 4 of the child identification and protection act, when a resident of this state appears before any sheriff or police agency for the county in which he or she resides, and requests an impression of his or her fingerprints, the agency shall comply with the request and make at least 2 copies of the impression, 1 for the files of the local police and the other to be forwarded to the central records division of the department of state police.

History: 1935, Act 120, Eff. Sept. 21, 1935;—CL 1948, 28.271;—Am. 1985, Act 175, Imd. Eff. Dec. 2, 1985.

***** 28.271.amended THIS AMENDED SECTION IS EFFECTIVE AUGUST 2, 2017 *****

28.271.amended Request for impression of fingerprints; copies; exception.

Sec. 1. Except as provided in section 4 of the child identification and protection act, 1985 PA 176, MCL 722.774, if a resident of this state appears before any sheriff or police agency for the county in which he or she resides and requests an impression of his or her fingerprints, the agency shall comply with the request and make at least 2 copies of the impression, 1 for the files of the local police and the other to be forwarded to the central records division of the department of state police.

History: 1935, Act 120, Eff. Sept. 21, 1935;—CL 1948, 28.271;—Am. 1985, Act 175, Imd. Eff. Dec. 2, 1985;—Am. 2017, Act 25, Eff. Aug. 2, 2017.

28.272 Filing system; purpose; equipment and supplies.

Sec. 2. The central records division of the department of state police shall install and maintain a filing system for the purpose of recording and preserving the various impressions received by it by virtue of the terms of this act, the filing system to be distinguished from the system now employed by the division for the recording and preserving of fingerprints of criminals. The equipment and supplies for the proper carrying out of this act shall be furnished by the department of state police.

History: 1935, Act 120, Eff. Sept. 21, 1935;—Am. 1943, Act 170, Imd. Eff. Apr. 17, 1943;—CL 1948, 28.272;—Am. 1985, Act 175, Imd. Eff. Dec. 2, 1985.

28.273 Fingerprinting and criminal record check; fee.

Sec. 3. (1) Until October 1, 2019, the department of state police may charge a fee, not to exceed \$30.00, for taking and processing the fingerprints and completing a criminal record check of a resident of this state when the impression of the fingerprints are requested for employment-related or licensing-related purposes. A fee shall not be collected under this subsection if a fee for taking and processing fingerprints is collected under any other law. The fee shall not exceed the actual cost of taking and processing the impression of the fingerprints and completing a criminal record check on that person. The fee shall be collected and forwarded to the state police by the licensing body or the employer.

(2) Until October 1, 2019, the department of state police may charge a fee of \$10.00 for processing and completing a name-based criminal record check. However, a fee shall not be charged under this subsection if a fee for processing the name-based criminal record check is charged under any other law or if the requester is a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through the internet criminal history access tool (ICHAT).

History: Add. 1985, Act 175, Imd. Eff. Dec. 2, 1985;—Am. 2002, Act 463, Imd. Eff. June 21, 2002;—Am. 2004, Act 359, Imd. Eff. Sept. 30, 2004;—Am. 2007, Act 76, Imd. Eff. Sept. 30, 2007;—Am. 2010, Act 178, Eff. Oct. 1, 2010;—Am. 2012, Act 318, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 71, Eff. Oct. 1, 2015.

***** 28.274.added THIS ADDED SECTION IS EFFECTIVE AUGUST 2, 2017 *****

28.274.added Fingerprints and photograph of individual with special needs; request by parent or guardian; form; fee; waiver; remittance and forwarding of fee; forwarding fingerprints and photograph to director of Federal Bureau of Investigation; removal from automated fingerprint identification system database and statewide network of agency photos; definitions.

Sec. 4. (1) A parent or guardian of an individual with special health care needs may submit a written request to a department-approved entity to take the fingerprints and photograph of the individual with special health care needs and add them to the automated fingerprint identification system (AFIS) database and the statewide network of agency photos maintained by the department.

(2) A written request made under subsection (1) must be made on a form posted on the department's website. Along with the form, the department shall provide a list of department-approved entities on the department's website.

(3) The department may charge a fee sufficient to reimburse the department for the costs associated with processing a request under subsection (1).

(4) At the time an individual with special health care needs is presented at a department-approved entity to have his or her fingerprints and photograph taken, the department-approved entity taking the fingerprints and photograph shall require the parent or guardian presenting the individual with special health care needs to execute a signed waiver allowing the individual's fingerprints and photograph to be collected.

(5) At the time an individual with special health care needs is presented at a department-approved entity to have his or her fingerprints and photograph taken, the department-approved entity taking the fingerprints and photograph shall require the parent or guardian presenting the individual with special health care needs to remit the fee described in subsection (3). The department-approved entity shall forward the fee collected under this subsection to the department in the manner the department prescribes.

(6) The department shall forward the fingerprints and photographs taken under this section to the director of the Federal Bureau of Investigation on forms furnished by or in a manner prescribed by the director for registration, storage, and use for identification purposes by the Federal Bureau of Investigation.

(7) A parent or guardian may make a written request to the department to have the fingerprints and photograph of an individual with special health care needs taken under this section removed from the automated fingerprint identification system (AFIS) database and the statewide network of agency photos. The department shall remove the fingerprints and photograph of an individual with special health care needs taken under this section from the automated fingerprint identification system (AFIS) database and the statewide network of agency photos upon receipt of a written request made by a parent or guardian under this subsection.

(8) As used in this section:

(a) "Department" means the department of state police.

(b) "Department-approved entity" means an entity, including a local law enforcement agency or a private company, approved by the department to take the fingerprints and photograph of an individual with special health care needs as provided in this section.

(c) "Guardian" means a person who has qualified as a guardian of a minor or a legally incapacitated individual under a parental or spousal nomination or a court order issued under section 19a or 19c of chapter XIIA of the probate code of 1939, MCL 712A.19a and 712A.19c, section 5204, 5205, or 5306 of the estates and protected individuals code, 1998 PA 386, MCL 700.5204, 700.5205, and 700.5306, or sections 600 to 644 of the mental health code, 1974 PA 258, MCL 330.1600 to 330.1644. Guardian may also include a person appointed by a tribal court under tribal code or custom. Guardian does not include a guardian ad litem.

(d) "Individual with special health care needs" means a single or married individual whose activity is or may become so restricted by disease or specified medical condition as to reduce the individual's normal capacity for education and self-support.

(e) "Parent" means the natural or adoptive parent of an individual with special health care needs who has either or both sole or joint legal or physical custody of the child if a court order dictating custody is in place, or the natural or adoptive parent of an individual with special health care needs if there is no court order dictating custody in place.

History: Add. 2017, Act 25, Eff. Aug. 2, 2017.