

C.J.I.S. POLICY COUNCIL ACT
Act 163 of 1974

AN ACT to provide for the creation of a criminal justice information systems policy council; to provide for the establishment of policy and promulgation of rules governing access, use, and disclosure of information in criminal justice information systems; to provide for the reimbursement of expenses of council members; and to provide for penalties.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 2005, Act 309, Eff. Feb. 1, 2006.

The People of the State of Michigan enact:

28.211 Short title.

Sec. 1. This act shall be known and may be cited as the "C.J.I.S. policy council act".

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 2005, Act 309, Eff. Feb. 1, 2006.

28.211a Definitions.

Sec. 1a. As used in this act:

(a) "Council" means the criminal justice information policy council created in section 2.

(b) "Nonpublic information" means information to which access, use, or dissemination is restricted by a law or rule of this state or the United States.

History: Add. 2005, Act 309, Eff. Feb. 1, 2006.

28.212 Criminal justice information policy council; creation; membership; terms.

Sec. 2. (1) The criminal justice information policy council is created in the department of state police. The council is composed of the following members:

(a) The attorney general or his or her designee.

(b) The secretary of state or his or her designee.

(c) The director of the department of corrections or his or her designee.

(d) The chief of the Detroit police department or his or her designee.

(e) The director of the department of state police or his or her designee.

(f) Three representatives of the department of state police appointed by the director of the department of state police.

(g) Three representatives of the Michigan association of chiefs of police appointed by that association.

(h) Four representatives of the Michigan sheriffs' association appointed by that association.

(i) Three representatives of the prosecuting attorneys association of Michigan appointed by that association.

(j) A representative of the Michigan district judges association appointed by that association.

(k) A representative of the Michigan judges association appointed by that association.

(l) The state court administrator or his or her designee.

(m) An individual appointed by and serving at the pleasure of the governor who is employed in or engaged in the private security business.

(n) An individual appointed by and serving at the pleasure of the governor who represents human services concerns in this state.

(o) The director of the department of information technology or his or her designee.

(2) The appointed members of the council shall serve 2-year terms and may be reappointed.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 2005, Act 309, Eff. Feb. 1, 2006.

28.213 Council; chairperson; election; meeting; compensation; quorum.

Sec. 3. (1) The council, at its first meeting, shall elect from its membership a chairperson, who shall serve for 1 year. An election for chairperson shall be held annually. A chairperson, if reelected, may succeed himself or herself. The council shall meet quarterly during the months of January, April, July, and October or more frequently at the call of the chairperson.

(2) Council members shall serve without compensation, but are entitled to actual expenses incurred during attendance at a regular or special council meeting and in traveling to and from a meeting.

(3) A majority of council members constitute a quorum for conducting the business of the council.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 2005, Act 309, Eff. Feb. 1, 2006.

28.213a Council; powers, duties, functions, and responsibilities.

Sec. 3a. (1) The council shall exercise its prescribed powers, duties, functions, and responsibilities independently of the director of the department of state police. The budgeting, procurement, and related management functions of the council shall be performed under the direction and supervision of the director of the department of state police.

(2) The executive secretary of the council shall be appointed by the director of the department of state police subject to the approval of the council.

History: Add. 2005, Act 309, Eff. Feb. 1, 2006.

***** 28.214 THIS SECTION IS AMENDED EFFECTIVE JUNE 12, 2018: See 28.214.amended *****

28.214 Council; duties; fingerprints; disclosure of information; violation; penalty.

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

(a) Establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement. The policy and rules shall do all of the following:

(i) Ensure access to information obtained by a federal, state, or local governmental agency to administer criminal justice or enforce any law.

(ii) Ensure access to information provided by the law enforcement information network or the automated fingerprint identification system by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws.

(iii) Ensure access by the department of human services to information necessary to implement section 10c of the social welfare act, 1939 PA 280, MCL 400.10c.

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

(A) A preemployment criminal convictions history.

(B) A preemployment driving record.

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

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

(vi) Establish fees for access, use, or dissemination of information from criminal justice information systems.

(b) Review applications for C.J.I.S. access and approve or disapprove the applications and the sites. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

(c) Establish minimum standards for equipment and software and its installation.

(d) Advise the governor on issues concerning the criminal justice information systems.

(2) A person having direct access to nonpublic information in the information systems governed by this act shall submit a set of fingerprints for comparison with state and federal criminal history records to be approved for access under the C.J.I.S. security policy. A report of the comparison shall be provided to that person's employer.

(3) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.

(4) The attorney general or his or her designee, a prosecuting attorney, or the court, in a criminal case, may disclose to the defendant or the defendant's attorney of record information pertaining to that defendant that was obtained from the law enforcement information system.

(5) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule.

(6) A person who intentionally violates subsection (3) or (5) is guilty of a crime as follows:

(a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 1998, Act 82, Eff. July 1, 1998;—Am. 1998, Act 458, Imd. Eff. Jan. 4, 1999;—Am. 1998, Act 459, Imd. Eff. Jan. 4, 1999;—Am. 2000, Act 320, Imd. Eff. Oct. 25, 2000;—Am. 2005, Act 308, Eff. Feb. 1, 2006;—Am. 2005, Act 311, Eff. Feb. 1, 2006;—Am. 2011, Act 199, Imd. Eff. Oct. 18, 2011.

Administrative rules: R 28.5101 et seq. of the Michigan Administrative Code.

28.214.amended Council; duties; fingerprints; disclosure of information; violation; penalty.

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

(a) Establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement. The policy and rules must do all of the following:

(i) Ensure access to information obtained by a federal, state, or local governmental agency to administer criminal justice or enforce any law.

(ii) Ensure access to information provided by the law enforcement information network or the automated fingerprint identification system by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws.

(iii) Ensure access by the department of health and human services to information necessary to implement section 10c of the social welfare act, 1939 PA 280, MCL 400.10c.

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

(A) A preemployment criminal convictions history.

(B) A preemployment driving record.

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

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

(vi) Establish fees for access, use, or dissemination of information from criminal justice information systems.

(b) Review applications for C.J.I.S. access and approve or disapprove the applications and the sites. If an application is disapproved, the applicant must be notified in writing of the reasons for disapproval.

(c) Establish minimum standards for equipment and software and its installation.

(d) Advise the governor on issues concerning the criminal justice information systems.

(e) Establish policy and promulgate rules concerning the expunction, destruction, or both, of information and data in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement, as required under section 26a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.26a.

(2) A person having direct access to nonpublic information in the information systems governed by this act shall submit a set of fingerprints for comparison with state and federal criminal history records to be approved for access under the C.J.I.S. security policy. A report of the comparison must be provided to that person's employer.

(3) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.

(4) The attorney general or his or her designee, a prosecuting attorney, or the court, in a criminal case, may disclose to the defendant or the defendant's attorney of record information pertaining to that defendant that was obtained from the law enforcement information system.

(5) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule.

(6) A person who intentionally violates subsection (3) or (5) is guilty of a crime as follows:

(a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 1998, Act 82, Eff. July 1, 1998;—Am. 1998, Act 458, Imd. Eff. Jan. 4, 1999;—Am. 1998, Act 459, Imd. Eff. Jan. 4, 1999;—Am. 2000, Act 320, Imd. Eff. Oct. 25, 2000;—Am. 2005, Act 308, Eff. Feb. 1, 2006;—Am. 2005, Act 311, Eff. Feb. 1, 2006;—Am. 2011, Act 199, Imd. Eff. Oct. 18, 2011;—Am. 2018, Act 66, Eff. June 12, 2018.

Administrative rules: R 28.5101 et seq. of the Michigan Administrative Code.

28.215 Access to information; powers of council.

Sec. 5. The council may do any of the following:

(a) Authorize access to public record information to enhance public safety or criminal justice, as permitted by law.

(b) Suspend or deny the use of, and access to, information or remove access from an agency if the agency violates policies or promulgated rules of the council.

(c) Suspend or deny direct access to information to an individual who violates this act, policies, or promulgated rules of the council.

History: 1974, Act 163, Eff. Apr. 1, 1975;—Am. 2005, Act 308, Eff. Feb. 1, 2006.

Administrative rules: R 28.5101 et seq. of the Michigan Administrative Code.

28.216 Repealed. 2005, Act 308, Eff. Feb. 1, 2006.

Compiler's note: The repealed section pertained to purchase of hardware and software.

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