

Senate Fiscal Agency
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SFA

BILL ANALYSIS

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Senate Bill 133 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Loren Bennett
Committee: Judiciary

CONTENT

The bill would amend the L.E.I.N. Policy Council Act to rename the Law Enforcement Information Network (LEIN) Policy Council the "Criminal Justice Information Systems Policy Council" and change the Act's official title to the "C.J.I.S. Policy Council Act"; repeal the A.F.I.S. (Automated Fingerprint Identification System) Policy Council Act; expand the membership of the council; require it to establish policy and promulgate rules governing information in criminal justice information systems, and advise the State Police Director on related issues; require that the policy and rules ensure access to information by a Federal, State, or local government agency to administer criminal justice or enforce any law, and ensure access to information provided by LEIN or AFIS by a government agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws; prohibit a person from gaining access to, using, or disclosing "nonpublic information" governed under the Act for personal use or gain (instead of disclosing LEIN information to a private entity for any purpose); increase the maximum term of imprisonment for a first conviction from 90 to 93 days; apply the criminal penalties only to intentional violations; prohibit the disclosure of AFIS and other criminal justice system information (as well as LEIN information) in an unauthorized manner; and allow the policy council to suspend or deny use of or access to information to an individual who violated policy council policy or rules. ("Nonpublic information" would mean information that had restricted access, use, or dissemination imposed by any law or rule of this State or the United States.)

Currently, the LEIN Policy Council comprises the Attorney General, the Secretary of State, the Director of the Department of Corrections, and the Commissioner of the Detroit Police Department (or their designees); three representatives of the Department of State Police; three representatives of the Michigan Association of Chiefs of Police; three representatives of the Michigan Sheriffs' Association; and three representatives of the Prosecuting Attorneys Association of Michigan. The bill would add to the council the Director of the Department of State Police; a fourth representative of the Michigan Sheriffs' Association; a representative of the Michigan District Judges Association; a representative of the Michigan Judges Association; the State Court Administrator; an individual who was employed or engaged in the private security business; and an individual representing human services concerns in Michigan.

MCL 28.211 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-30-01

Fiscal Analyst: B. Baker