

SUBSTITUTE FOR
SENATE BILL NO. 133

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~~ CREATE a ~~law~~
~~enforcement~~ CRIMINAL JUSTICE information ~~network~~ SYSTEMS
policy council; to provide for the establishment of policy and
promulgation of rules governing ~~the use of the law enforcement~~
~~information network;~~ and ACCESS, USE, AND DISCLOSURE OF
INFORMATION IN THE CRIMINAL JUSTICE INFORMATION SYSTEMS; to
provide for the appointment ~~and compensation~~ of council

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1 members; TO PROVIDE FOR REIMBURSEMENT OF EXPENSES OF COUNCIL
2 MEMBERS; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

5 SEC. 1A. AS USED IN THIS ACT, "COUNCIL" MEANS THE CRIMINAL
6 JUSTICE INFORMATION SYSTEMS POLICY COUNCIL CREATED IN SECTION 2.

7 Sec. 2. (1) There is created the ~~law enforcement~~ CRIMINAL
8 JUSTICE information ~~network~~ SYSTEMS policy council ~~, hereafter~~
9 ~~referred to as the council,~~ comprised of the following members:

10 (a) The attorney general ~~,~~ or his ~~designated~~
11 ~~representative~~ OR HER DESIGNEE.

12 (b) The secretary of state ~~,~~ or his ~~designated~~
13 ~~representative~~ OR HER DESIGNEE.

14 (C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
15 HER DESIGNEE.

16 (D) ~~(c)~~ The director of the department of corrections ~~,~~
17 or his ~~designated representative~~ OR HER DESIGNEE.

18 ~~(d) The commissioner of the Detroit police department, or~~
19 ~~his designated representative.~~

20 (e) Three representatives of the department of state police
21 ~~,~~ to be appointed by the director of the department of state
22 police.

23 (F) THE CHIEF OF THE DETROIT POLICE DEPARTMENT OR HIS OR HER
24 DESIGNEE.

25 (G) ~~(f)~~ Three representatives of the Michigan association
26 of chiefs of police ~~,~~ to be appointed ~~annually~~ by that
27 association.

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1 (H) ~~(g) Three~~ FOUR representatives of the Michigan
2 sheriffs' association ~~,~~ to be appointed ~~annually~~ by that
3 association.

4 (I) ~~(h) Three~~ representatives of the prosecuting attorneys
5 association of Michigan to be appointed ~~annually~~ by that
6 association.

7 (J) A REPRESENTATIVE OF THE MICHIGAN DISTRICT JUDGES ASSOCI-
8 ATION TO BE APPOINTED BY THAT ASSOCIATION.

9 (K) A REPRESENTATIVE OF THE MICHIGAN JUDGES ASSOCIATION TO
10 BE APPOINTED BY THAT ASSOCIATION.

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

12 (M) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE
13 OF THE GOVERNOR WHO IS EMPLOYED IN OR ENGAGED IN THE PRIVATE
14 SECURITY BUSINESS.

15 (N) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE
16 OF THE GOVERNOR WHO REPRESENTS HUMAN SERVICES CONCERNS IN THIS
17 STATE.

18 (2) THE MEMBERS APPOINTED UNDER SUBSECTION (1)(E), (G), (H),
19 (I), (J), (K), (M), AND (N) SHALL SERVE 2-YEAR TERMS AND MAY BE
20 REAPPOINTED.

21 Sec. 3. (1) The council shall, at its first meeting, elect
22 from its membership a ~~chairman~~ CHAIRPERSON, who shall serve for
23 1 year. ~~Elections thereafter~~ AN ELECTION FOR A CHAIRPERSON
24 shall be held annually. A ~~chairman~~ CHAIRPERSON may ~~,~~ if
25 ~~reelected,~~ BE ELECTED TO succeed himself OR HERSELF. The coun-
26 cil shall meet quarterly, during the months of January, April,
27 July, October, ~~and at other times the chairman deems necessary~~

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1 OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON. A MAJORITY OF
2 COUNCIL MEMBERS CONSTITUTE A QUORUM TO CONDUCT COUNCIL BUSINESS.

3 (2) Council members shall serve without compensation, but
4 ~~shall be~~ ARE entitled to actual expenses incurred during
5 attendance at a regular or special council meeting and in travel-
6 ing to and from a meeting.

7 SEC. 3A. (1) THE COUNCIL SHALL EXERCISE ITS PRESCRIBED
8 POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES INDEPENDENTLY OF
9 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE. THE BUDGETING,
10 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE COUNCIL
11 SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE
12 DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

13 (2) THE EXECUTIVE SECRETARY OF THE COUNCIL SHALL BE
14 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE
15 SUBJECT TO THE APPROVAL OF THE COUNCIL.

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

17 (a) Establish policy and promulgate rules ~~regarding the~~
18 ~~operational procedures to be followed by agencies using the law~~
19 ~~enforcement information network~~ GOVERNING ACCESS, USE, AND DIS-
20 CLOSURE OF INFORMATION IN CRIMINAL JUSTICE INFORMATION SYSTEMS
21 INCLUDING THE LAW ENFORCEMENT INFORMATION SYSTEM, THE AUTOMATED
22 FINGERPRINT INFORMATION SYSTEM, AND OTHER INFORMATION SYSTEMS
23 RELATED TO ADMINISTERING CRIMINAL JUSTICE OR ENFORCING LAWS. The
24 policy and rules shall do all of the following:

25 (i) Ensure access to ~~locator~~ information ~~obtained through~~
26 ~~the law enforcement information network by state and federal~~
27 ~~agencies and the friend of the court for enforcement of child~~

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1 ~~support programs as provided under state and federal law.~~ BY A
2 FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY TO ADMINISTER CRIMINAL
3 JUSTICE OR ENFORCE ANY LAW.

4 (ii) ~~Ensure access to information of an individual being~~
5 ~~investigated by a state or county employee who is~~ PROVIDED BY
6 THE LAW ENFORCEMENT INFORMATION NETWORK OR THE AUTOMATED FINGER-
7 PRINT IDENTIFICATION SYSTEM BY A GOVERNMENT AGENCY engaged in the
8 enforcement of ~~the~~ CHILD SUPPORT LAWS, child protection laws,
9 or ~~rules of this state~~ VULNERABLE ADULT PROTECTION LAWS.

10 (iii) Authorize a fire chief of an organized fire department
11 or his or her designee to request and receive information
12 ~~obtained through~~ PROVIDED BY the law enforcement information
13 network by a law enforcement agency for the following purposes:

14 (A) A preemployment criminal convictions history.

15 (B) A preemployment driving record.

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

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

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

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

3 (D) ADVISE THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE ON
4 ISSUES CONCERNING CRIMINAL JUSTICE INFORMATION SYSTEMS.

5 (2) A PERSON HAVING DIRECT ACCESS TO NONPUBLIC INFORMATION
6 IN THE INFORMATION SYSTEMS GOVERNED BY THIS ACT SHALL SUBMIT A
7 SET OF FINGERPRINTS FOR COMPARISON WITH STATE AND FEDERAL CRIMI-
8 NAL HISTORY RECORDS. A REPORT OF THE COMPARISON SHALL BE PRO-
9 VIDED TO THAT PERSON'S EMPLOYER.

10 (3) ~~(2)~~ A person shall not ACCESS, USE, OR disclose
11 NONPUBLIC information ~~from the law enforcement information net-~~
12 ~~work to a private entity for any purpose, including, but not~~
13 ~~limited to, the enforcement of child support programs~~ GOVERNED
14 UNDER THIS ACT FOR PERSONAL USE OR GAIN.

15 (4) ~~(3)~~ A person shall not disclose information ~~from the~~
16 ~~law enforcement information network~~ GOVERNED UNDER THIS ACT in a
17 manner that is not authorized by law or rule.

18 (5) AS USED IN THIS ACT, "NONPUBLIC INFORMATION" MEANS
19 INFORMATION THAT HAS RESTRICTED ACCESS, USE, OR DISSEMINATION
20 IMPOSED BY ANY LAW OR RULE OF THIS STATE OR THE UNITED STATES.

21 (6) ~~(4)~~ A person who INTENTIONALLY violates
22 subsection ~~(2)~~ (3) or ~~(3)~~ (4) is GUILTY OF THE FOLLOWING:

23 (a) For a first ~~offense~~ CONVICTION, ~~guilty of~~ a misde-
24 meanor punishable by imprisonment for not more than ~~90~~ 93 days
25 or a fine of not more than \$500.00, or both.

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

4 Sec. 5. The council may ~~remove terminals if the agency or~~
5 ~~entity controlling the terminal fails to comply with the estab-~~
6 ~~lished policies or promulgated rules of the council~~ DO EITHER OF
7 THE FOLLOWING:

8 (A) SUSPEND OR
9 DENY THE USE OF AND ACCESS TO INFORMATION OR REMOVE TERMINALS
10 FROM AN AGENCY IF THE AGENCY VIOLATES POLICIES OR PROMULGATED
11 RULES OF THE COUNCIL.

12 (B) SUSPEND OR DENY USE OF OR ACCESS TO INFORMATION TO AN
13 INDIVIDUAL WHO VIOLATES POLICIES OR PROMULGATED RULES OF THE
COUNCIL.

10 Enacting section 1. (1) Section 6 of 1974 PA 163,
11 MCL 28.216, is repealed.

12 (2) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151
13 to 28.158, is repealed.