



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 36 and 38 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

Senate Bill 36 would amend the Child Identification and Protection Act, and Senate Bill 38 would amend Public Act 120 of 1935, which provides for fingerprinting Michigan residents, to do the following:

- Allow a parent or guardian of a child or youth with special health care needs, or of an individual with special health care needs, as applicable, to request that the child's, youth's, individual's fingerprints and photograph be taken and included in the automated fingerprint identification system (AFIS) and the statewide network of agency photographs.
- Require the Michigan Department of State Police (MSP) to provide on its website a form for these requests as well as a list of Department-approved entities for taking the fingerprints and photographs.
- Allow the MSP to charge a fee to cover its costs for processing a request, and require a Department-approved entity to collect the fee and forward it to the MSP.
- Require the MSP to forward fingerprints and photographs to the FBI for registration, storage, and use for identification purposes.
- Require the MSP to remove a child's, youth's, or individual's fingerprints and photograph from AFIS and the statewide network of agency photographs, upon a parent's or guardian's request.

Senate Bill 36 would define "child or youth with special health care needs" as a single or married individual under 21 years of age whose activity is or may become so restricted by disease or specified medical condition as to reduce his or her normal capacity for education and self-support. Senate Bill 38 would define "individual with special health care needs" in the same manner, without reference to the age of the individual.

The bills would define "department-approved entity" as an entity, including a local law enforcement agency or a private company, approved by the MSP to take the fingerprints and photograph of a child or youth with special health care needs, or of an individual with special health care needs, as applicable.

MCL 722.772 & 722.774 (S.B. 36)
28.271 et al. (S.B. 38)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have a moderate fiscal impact on the MSP, requiring it to incur \$25,000 in programing charges to implement the provisions of the bills and \$3,200 in additional ongoing annual costs to maintain the implementation.

The MSP would be required to create a special health care needs data base to house data and images for the proposed system, provide capabilities to retrieve and edit data and images,

update existing Android applications to accommodate searches against the special health care needs data base and create reports, update existing system interfaces to extract records and import to the special health care needs data base, and install applications and train personnel.

The MSP also would be required to accept fingerprints, which it would process, analyze, and store. Currently, the cost of each fingerprint processing, which includes a search of State and Federal fingerprint data bases, is \$42 (\$30 State fee, \$12 Federal fee). Also under current law, a law enforcement agency or vendor that takes fingerprint impressions (or photos, in the case of the bills) from an individual for submission to the MSP may charge a nominal fee for doing so (often \$15 or less, if anything).

The cost of performing fingerprint processing by the MSP would be wholly covered by the fees required under the bills. Current law requires that the fee for fingerprint processing not exceed the actual and reasonable cost incurred by the Department for this activity.

Date Completed: 1-25-17

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.