

Act No. 25  
Public Acts of 2017  
Approved by the Governor  
May 4, 2017  
Filed with the Secretary of State  
May 4, 2017  
EFFECTIVE DATE: August 2, 2017

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Senator Jones

# **ENROLLED SENATE BILL No. 38**

AN ACT to amend 1935 PA 120, entitled "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," by amending section 1 (MCL 28.271), as amended by 1985 PA 175, and by adding section 4.

*The People of the State of Michigan enact:*

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.

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 XIIIA 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.

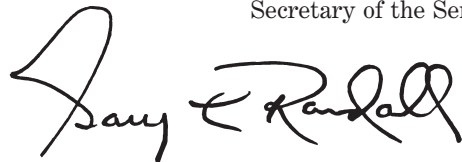
(e) "Parent" means the natural or adoptive parent of an individual with special health care needs who has either or both sole or joint legal or physical custody of the child if a court order dictating custody is in place, or the natural or adoptive parent of an individual with special health care needs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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor