

HOUSE BILL NO. 4294

March 05, 2019, Introduced by Reps. Berman, Mueller, Green, Slagh, Eisen, Cynthia Johnson, LaGrand, Markkanen, Wittenberg, Whitsett and Robinson and referred to the Committee on Judiciary.

A bill to amend 1974 PA 163, entitled
"C.J.I.S. policy council act,"
by amending section 4 (MCL 28.214), as amended by 2018 PA 66.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) The council **or the department of state police**
- 2 shall do all of the following:
- 3 (a) Establish policy and promulgate rules governing access,
- 4 use, and disclosure of information in criminal justice information



1 systems, including the law enforcement information network, the
2 automated fingerprint information system, and other information
3 systems related to criminal justice or law enforcement. The policy
4 and rules must do all of the following:

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

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

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

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

20 (A) A preemployment criminal convictions history.

21 (B) A preemployment driving record.

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

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

29 **(vi) Authorize a federally licensed firearms dealer to request**



1 and receive information to determine whether a firearm has been
2 reported lost or stolen through the law enforcement information
3 network.

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

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

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

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

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

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

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

29 (4) The attorney general or his or her designee, a prosecuting



1 attorney, or the court, in a criminal case, may disclose to the
2 defendant or the defendant's attorney of record information
3 pertaining to that defendant that was obtained from the law
4 enforcement information system.

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

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

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

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

15 (7) **As used in this section, "federally licensed firearms**
16 **dealer" means a person licensed to sell firearms under 18 USC 923.**

