

Act No. 259
Public Acts of 1996
Approved by the Governor
June 11, 1996
Filed with the Secretary of State
June 12, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Crissman, Hammerstrom and Galloway

Reps. Anthony, Bodem, Brackenridge, Brewer, Bullard, Dalman, DeMars, Dobb, Dolan, Gagliardi, Gilmer, Gnoldtke, Goschka, Green, Hill, Jaye, Jellema, Jersevic, Johnson, Kaza, Kukuk, Law, Llewellyn, Lowe, McBryde, McManus, McNutt, Middaugh, Middleton, Nye, Owen, Palamara, Perricone, Pitoniak, Rhead, Rocca, Ryan, Sikkema, Tesanovich, Varga, Voorhees and Walberg named co-sponsors

ENROLLED HOUSE BILL No. 4445

AN ACT to amend section 1a of Act No. 289 of the Public Acts of 1925, entitled as amended "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," as amended by Act No. 196 of the Public Acts of 1994, being section 28.241a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1a of Act No. 289 of the Public Acts of 1925, as amended by Act No. 196 of the Public Acts of 1994, being section 28.241a of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1a. As used in this act:

(a) "Commanding officer" means the department of state police employee in charge of the central records division.

(b) "Criminal history record information" means name; date of birth; fingerprints; photographs, if available; personal descriptions, including physical measurements, identifying marks, scars, amputations, and tattoos; aliases and prior names; social security and driver's license numbers and other identifying numbers; and information on misdemeanor convictions and felony arrests and convictions.

(c) "Division" means the central records division of the department of state police.

(d) "Felony" means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(e) "Juvenile history record information" means name; date of birth; fingerprints; photographs, if available; personal descriptions, including physical measurements, identifying marks, scars, amputations, and tattoos; aliases and prior names; social security and driver's license numbers and other identifying numbers; and information on juvenile offense arrests and adjudications.

(f) "Juvenile offense" means an offense committed by a juvenile that, if committed by an adult, would be a violation or an attempted violation of section 72, 83, 84, 86, 88, 89, 91, 110, 110a(2), 186a, 316, 317, 349, 360, 413, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110, 750.110a, 750.186a, 750.316, 750.317, 750.349, 750.360, 750.413, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531 of the Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 and 333.7403 of the Michigan Compiled Laws.

(g) "Misdemeanor" means either of the following:

(i) A violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine.

(ii) A violation of a local ordinance that substantially corresponds to state law.

Section 2. This amendatory act applies to offenses committed on or after its effective date.

Section 3. This amendatory act shall take effect January 1, 1997.

Section 4. This amendatory act shall not take effect unless all of following bills of the 88th Legislature are enacted into law:

- (a) Senate Bill No. 281.
- (b) Senate Bill No. 283.
- (c) Senate Bill No. 682.
- (d) Senate Bill No. 689.
- (e) Senate Bill No. 699.
- (f) Senate Bill No. 700.
- (g) Senate Bill No. 724.
- (h) Senate Bill No. 867.
- (i) Senate Bill No. 870.
- (j) House Bill No. 4037.
- (k) House Bill No. 4038.
- (l) House Bill No. 4044.
- (m) House Bill No. 4371.
- (n) House Bill No. 4486.
- (o) House Bill No. 4487.
- (p) House Bill No. 4490.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.