

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1408 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Senator Loren Bennett

Committee: Judiciary

CONTENT

The bill would amend the LEIN Policy Council Act to revise the membership of the Law Enforcement Information Network (LEIN) Policy Council, rename it the "Criminal Justice Information Systems Policy Council"; require the council to establish policy and promulgate rules regarding the operation of the Automated Fingerprint Identification System (AFIS) and access to LEIN and AFIS by all criminal justice systems; require the council to advise the State Police Director on issues concerning criminal justice information systems; prohibit a person from gaining access to, using, or disclosing LEIN or AFIS information for personal use or gain (which would replace the current prohibition against disclosing LEIN information to a private entity for any purpose); prohibit the disclosure of AFIS information (as well as LEIN information) in an unauthorized manner; increase the maximum prison term from 90 to 93 days for a first conviction; apply the criminal penalties only to intentional violations; and require the council to function independently of the Director of the Department of State Police, except for budgeting, procurement, and related management functions.

The council comprises the Attorney General; the Secretary of State; the Director of the Department of Corrections; the Commissioner of the Detroit Police Department; three representatives of the State Police; three representatives of the Michigan Association of Chiefs of Police; three representatives of the Michigan Sheriffs' Association; and three representatives of the Prosecuting Attorneys Association of Michigan. The bill would remove from the council the Commissioner of the Detroit Police Department and add the Director of the Department of State Police; the Chief of the Detroit Police Department; a fourth representative of the Michigan Sheriffs' Association; a representative of the Michigan District Judges Association; a representative of the Michigan Judges Association; the State Court Administrator; an individual employed or engaged in the private security business; and an individual who represented human services concerns in Michigan.

The bill also would change the Act's official title to the "CJIS Policy Council Act", and repeal the AFIS Policy Council Act (MCL 28.151-28.158).

MCL 28.211 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an insignificant fiscal impact on the State. Combine two policy councils (the AFIS Policy Council and the LEIN Policy Council) into a single council could produce a small savings due to realized efficiencies.

Date Completed: 12-6-00

Fiscal Analyst: B. Baker

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Analysis available @ <http://www.michiganlegislature.org>

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