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Senate Bill 1408 (as introduced 9-28-00)
Sponsor: Senator Loren Bennett
Committee: Judiciary

Date Completed: 11-29-00

CONTENT

The bill would amend the LEIN Policy Council Act to do all of the following:

- Revise the membership of the Law Enforcement Information Network (LEIN) policy council.
- Require the council to function independently of the Director of the Department of State Police, but require certain council functions to be performed under the Director's supervision.
- Authorize a school administrator to receive vehicle registration information from the LEIN.
- Repeal a section of the Act that prohibits the council from approving any purchase of hardware or software from Federal or State funds without the approval of the joint committee on computers (MCL 28.216).
- Repeal the AFIS Policy Council Act, which established the Automated Fingerprint Identification System (AFIS) policy council, with a membership similar to the LEIN policy council, to establish policy and promulgate rules regarding the operational and audit procedures to be followed by agencies using AFIS (MCL 28.151-28.158).

The bill also would rename the LEIN policy council the Criminal Justice Information Systems policy council" and change the Act's official title to the "CJIS Policy Council Act".

Council Composition

The LEIN policy council comprises the following members:

- The Attorney General, or his or her designee.
- The Secretary of State, or his or her designee.
- The Director of the Department of Corrections, or his or her designee.
- The Commissioner of the Detroit Police Department, or his or her designee.
- Three representatives of the Department of State Police, appointed by the Director of that Department.
- Three representatives of the Michigan Association of Chiefs of Police, appointed annually by that association.
- Three representatives of the Michigan Sheriffs' Association, appointed annually by that association.
- Three representatives of the Prosecuting Attorneys Association of Michigan, appointed annually by that association.

The bill would remove from the council the Commissioner of the Detroit Police Department and add all of the following:

- The Director of the Department of State Police, or his or her designee.
- The Chief of the Detroit Police Department, or his or her designee.
- A fourth representative of the Michigan Sheriffs' Association.
- A representative of the Michigan District Judges Association, appointed by that association.
- A representative of the Michigan Judges Association, appointed by that association.
- The State Court Administrator, or his or her designee.
- An individual who was employed in or engaged in the private security business, appointed by and serving

- at the pleasure of the Governor.
- An individual who represented human services concerns in Michigan, appointed by and serving at the pleasure of the Governor.

The bill would delete the requirement that the representatives of the police chiefs', sheriffs', and prosecutors' associations be appointed annually. Under the bill, council members representing the Department of State Police and the police chiefs', sheriffs', prosecutors', district judges', and judges' associations would serve two-year terms and could be reappointed.

The bill specifies that a majority of the council members would constitute a quorum to conduct business at council meetings.

State Police

The bill would require the council to exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of State Police. The council's budgeting, procurement, and related management functions, however, would have to be performed under the Director's direction and supervision. In addition, the executive secretary of the council would have to be appointed by the Director, subject to the council's approval.

School Administrators' Access

The Act requires the council to establish policy and promulgate rules regarding the operational procedures to be followed by agencies using the LEIN. The Act lists certain things that the policy and rules must do. The bill would include in that list a requirement that the council authorize a public or private school administrator to receive vehicle registration information obtained through the LEIN by a law enforcement agency.

MCL 28.211 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an insignificant fiscal impact on the State. The provision that would 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.

Fiscal Analyst: B. 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.