

SENATE BILL No. 1408

September 28, 2000, Introduced by Senator BENNETT and referred to the Committee on Judiciary.

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 1998 PA 459, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the creation of a ~~law enforcement~~ CRIMINAL JUSTICE information ~~network~~ SYSTEMS policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network AND THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM; ~~and~~ to provide for the appointment ~~and compensation~~ of council members; TO

1 PROVIDE FOR REIMBURSEMENT OF EXPENSES OF COUNCIL MEMBERS; AND TO
2 PROVIDE PENALTIES FOR VIOLATIONS.

3 Sec. 1. This act shall be known and may be cited as the
4 ~~"L.E.I.N." "C.J.I.S. policy council act". of 1974".~~

5 SEC. 1A. AS USED IN THIS ACT, "COUNCIL" MEANS THE CRIMINAL
6 JUSTICE INFORMATION SYSTEMS POLICY COUNCIL CREATED IN SECTION 2.

7 Sec. 2. (1) There is created the ~~law enforcement~~ CRIMINAL
8 JUSTICE information ~~network~~ SYSTEMS policy council ~~, hereafter~~
9 ~~referred to as the council,~~ comprised of the following members:

10 (a) The attorney general ~~,~~ or his ~~designated~~
11 ~~representative~~ OR HER DESIGNEE.

12 (b) The secretary of state ~~,~~ or his ~~designated~~
13 ~~representative~~ OR HER DESIGNEE.

14 (c) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
15 HER DESIGNEE.

16 (D) ~~(c)~~ The director of the department of corrections ~~,~~
17 or his ~~designated representative~~ OR HER DESIGNEE.

18 ~~(d) The commissioner of the Detroit police department, or~~
19 ~~his designated representative.~~

20 (e) Three representatives of the department of state police
21 ~~,~~ to be appointed by the director of the department of state
22 police.

23 (F) THE CHIEF OF THE DETROIT POLICE DEPARTMENT OR HIS OR HER
24 DESIGNEE.

25 (G) ~~(f)~~ Three representatives of the Michigan association
26 of chiefs of police ~~,~~ to be appointed ~~annually~~ by that
27 association.

1 (H) ~~(g) Three~~ FOUR representatives of the Michigan
 2 sheriffs' association ~~—~~ to be appointed ~~annually~~ by that
 3 association.

4 (I) ~~(h) Three~~ representatives of the prosecuting attorneys
 5 association of Michigan to be appointed ~~annually~~ by that
 6 association.

7 (J) A REPRESENTATIVE OF THE MICHIGAN DISTRICT JUDGES ASSOCI-
 8 ATION TO BE APPOINTED BY THAT ASSOCIATION.

9 (K) A REPRESENTATIVE OF THE MICHIGAN JUDGES ASSOCIATION TO
 10 BE APPOINTED BY THAT ASSOCIATION.

11 (L) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE.

12 (M) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE
 13 OF THE GOVERNOR WHO IS EMPLOYED IN OR ENGAGED IN THE PRIVATE
 14 SECURITY BUSINESS.

15 (N) AN INDIVIDUAL APPOINTED BY AND SERVING AT THE PLEASURE
 16 OF THE GOVERNOR WHO REPRESENTS HUMAN SERVICES CONCERNS IN THIS
 17 STATE.

18 (2) THE MEMBERS APPOINTED UNDER SUBSECTION (1)(E), (G), (H),
 19 (I), (J), AND (K) SHALL SERVE 2-YEAR TERMS AND MAY BE
 20 REAPPOINTED.

21 Sec. 3. (1) The council shall, at its first meeting, elect
 22 from its membership a ~~chairman~~ CHAIRPERSON, who shall serve for
 23 1 year. ~~Elections thereafter~~ AN ELECTION FOR A CHAIRPERSON
 24 shall be held annually. A ~~chairman~~ CHAIRPERSON may ~~—~~if
 25 ~~reelected,~~ BE ELECTED TO succeed himself OR HERSELF. The coun-
 26 cil shall meet quarterly, during the months of January, April,
 27 July, October, ~~and at other times the chairman deems necessary~~

1 OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON. A MAJORITY OF
2 COUNCIL MEMBERS CONSTITUTE A QUORUM TO CONDUCT COUNCIL BUSINESS.

3 (2) Council members shall serve without compensation, but
4 ~~shall be~~ ARE entitled to actual expenses incurred during
5 attendance at a regular or special council meeting and in travel-
6 ing to and from a meeting.

7 SEC. 3A. (1) THE COUNCIL SHALL EXERCISE ITS PRESCRIBED
8 POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES INDEPENDENTLY OF
9 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE. THE BUDGETING,
10 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE COUNCIL
11 SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE
12 DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

13 (2) THE EXECUTIVE SECRETARY OF THE COUNCIL SHALL BE
14 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE
15 SUBJECT TO THE APPROVAL OF THE COUNCIL.

16 Sec. 4. (1) The council shall do all of the following:

17 (a) Establish policy and promulgate rules regarding the
18 operational procedures to be followed by agencies using the law
19 enforcement information network. The policy and rules shall do
20 all of the following:

21 (i) Ensure access to locator information obtained through
22 the law enforcement information network by state and federal
23 agencies and the friend of the court for enforcement of child
24 support programs as provided under state and federal law.

25 (ii) Ensure access to information of an individual being
26 investigated by a state or county employee who is engaged in the
27 enforcement of the child protection laws or rules of this state.

1 (iii) Authorize a fire chief of an organized fire department
2 or his or her designee to request and receive information
3 obtained through the law enforcement information network by a law
4 enforcement agency for the following purposes:

5 (A) A preemployment criminal convictions history.

6 (B) A preemployment driving record.

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

9 (iv) AUTHORIZE A PUBLIC OR PRIVATE SCHOOL ADMINISTRATOR TO
10 RECEIVE VEHICLE REGISTRATION INFORMATION OBTAINED THROUGH THE LAW
11 ENFORCEMENT INFORMATION NETWORK BY A LAW ENFORCEMENT AGENCY.

12 (b) Review applications for network terminals and approve or
13 disapprove the applications and the sites for terminal
14 installations. If an application is disapproved, the applicant
15 shall be notified in writing of the reasons for disapproval.

16 (c) Establish minimum standards for terminal sites and
17 installation.

18 (2) A person shall not disclose information from the law
19 enforcement information network to a private entity for any pur-
20 pose, including, but not limited to, the enforcement of child
21 support programs.

22 (3) A person shall not disclose information from the law
23 enforcement information network in a manner that is not autho-
24 rized by law or rule.

25 (4) A person who violates subsection (2) or (3) is:

1 (a) For a first offense, guilty of a misdemeanor punishable
2 by imprisonment for not more than 90 days or a fine of not more
3 than \$500.00, or both.

4 (b) For a second or subsequent offense, guilty of a felony
5 punishable by imprisonment for not more than 4 years or a fine of
6 not more than \$2,000.00, or both.

7 Enacting section 1. (1) Section 6 of 1974 PA 163, MCL
8 28.216, is repealed.

9 (2) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151
10 to 28.158, is repealed.