HOUSE BILL No. 6554

October 15, 2008, Introduced by Reps. Palsrok, Shaffer, Stahl and Dean and referred to the
    Committee on Judiciary.

A bill to allow certain criminal justice agencies to have
electronic access to certain databases maintained by the state or
local governments; to prescribe conditions for that access; and to
provide for certain powers and duties of certain state offices and
agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 1. As used in this act:

2   (a) "Criminal justice agency" means a court or other

3   governmental agency, or any subunit of a court or other

4   governmental agency, that engages in the administration of criminal

5   justice pursuant to a statute or executive order and that allocates

6   a substantial part of its annual budget for the administration of

7   criminal justice.

1   (b) "Specified databases" includes all of the following:

2   (*i*) Criminal information databases maintained by the department

3   of state police.

4   (*ii*) Databases maintained by this state or a local governmental

5   agency containing records pertaining to firearms.

6   (*iii*) Databases maintained by the department of corrections

7   pertaining to prisoners under the jurisdiction of the department of

8   corrections, including images contained on those databases.

9   (*iv*) Databases maintained by the secretary of state pertaining

10   to driver licenses, including images contained on those databases.

11   Sec. 2. (1) A criminal justice agency shall have internet

12   access to all specified databases if the criminal justice agency

13   meets requirements for system security established by the director

14   of the department of information technology.

15   (2) The director of the department of information technology

16   shall establish the requirements described in subsection (1) not

17   later than 90 days after the effective date of this act. The

18   director of the department of information technology may promulgate

19   rules to implement subsection (1) pursuant to the administrative

20   procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

21   (3) A criminal justice agency shall not be required to pay a

22   fee for having internet access allowed under subsection (1).

23   Sec. 3. (1) The internet access to specified databases allowed

24   by this act shall provide for a web-based format that ensures the

25   integrity of the data contained in the database but that allows the

26   data to be searched by the criminal justice agency, and shall allow

27   access to the database's metadata and dictionary.

1   (2) Beginning on the effective date of this act, any new

2 database created in this state that meets the definition of

3 specified database shall be designed to allow the access required

4 under subsection (1).

5   Sec. 4. (1) A criminal justice agency that meets the

6 requirements of section 2 shall submit to the director of the

7 department of information technology any documentation he or she

8 requires demonstrating that the criminal justice agency has put in

9 place adequate safeguards for safeguarding the data obtained by the

10 agency.

11   (2) A criminal justice agency that is allowed access to

12 specified databases under this act is responsible for safeguarding

13 the data it obtains under this act.