

HOUSE BILL NO. 5917

March 16, 2022, Introduced by Reps. Sowerby, LaGrand, Calley, Aiyash, Bolden, Rabhi, Stone, Kupp, Brixie, Brenda Carter, Ellison, Hood, Scott, Hope, Cambensy, Steenland, Breen, Brann and Yancey and referred to the Committee on Judiciary.

A bill to amend 1974 PA 163, entitled
"C.J.I.S. policy council act,"
by amending section 4 (MCL 28.214), as amended by 2018 PA 66.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) The council **or the department of state police**
2 shall do all of the following:
3 (a) Establish policy and promulgate rules governing access,
4 use, and disclosure of information in criminal justice information
5 systems, including the law enforcement information network, the
6 automated fingerprint information system, and other information

1 systems related to criminal justice or law enforcement. The policy
2 and rules must do all of the following:

3 (i) Ensure access to information obtained by a federal, state,
4 or local governmental agency to administer criminal justice or
5 enforce any law.

6 (ii) Ensure access to information provided by the law
7 enforcement information network or the automated fingerprint
8 identification system by a governmental agency engaged in the
9 enforcement of child support laws, child protection laws, or
10 vulnerable adult protection laws.

11 (iii) Ensure access by the department of health and human
12 services to information necessary to implement section 10c of the
13 social welfare act, 1939 PA 280, MCL 400.10c.

14 (iv) Authorize a fire chief of an organized fire department or
15 his or her designee to request and receive information obtained
16 through the law enforcement information network by a law
17 enforcement agency for the following purposes:

18 (A) A preemployment criminal convictions history.

19 (B) A preemployment driving record.

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

22 (v) Authorize a public or private school superintendent,
23 principal, or assistant principal to receive vehicle registration
24 information, of a vehicle within 1,000 feet of school property,
25 obtained through the law enforcement information network by a law
26 enforcement agency.

27 (vi) Establish fees for access, use, or dissemination of
28 information from criminal justice information systems.

29 (b) Review applications for C.J.I.S. access and approve or

1 disapprove the applications and the sites. If an application is
2 disapproved, the applicant must be notified in writing of the
3 reasons for disapproval.

4 (c) Establish minimum standards for equipment and software and
5 its installation.

6 (d) Advise the governor on issues concerning the criminal
7 justice information systems.

8 (e) Establish policy and promulgate rules concerning the
9 expunction, destruction, or both, of information and data in
10 criminal justice information systems, including the law enforcement
11 information network, the automated fingerprint information system,
12 and other information systems related to criminal justice or law
13 enforcement, as required under section 26a of chapter IV of the
14 code of criminal procedure, 1927 PA 175, MCL 764.26a.

15 **(f) Beginning on the effective date of the amendatory act that**
16 **added this subdivision, ensure that arrest records are not**
17 **published on the internet criminal history access tool and that any**
18 **arrest records that were made public before the effective date of**
19 **the amendatory act that added this subdivision on the internet**
20 **criminal history records access tool are removed not later than**
21 **January 1, 2025.**

22 (2) A person having direct access to nonpublic information in
23 the information systems governed by this act shall submit a set of
24 fingerprints for comparison with state and federal criminal history
25 records to be approved for access under the C.J.I.S. security
26 policy. A report of the comparison must be provided to that
27 person's employer.

28 (3) A person shall not access, use, or disclose nonpublic
29 information governed under this act for personal use or gain.

1 (4) The attorney general or his or her designee, a prosecuting
2 attorney, or the court, in a criminal case, may disclose to the
3 defendant or the defendant's attorney of record information
4 pertaining to that defendant that was obtained from the law
5 enforcement information system.

6 (5) A person shall not disclose information governed under
7 this act in a manner that is not authorized by law or rule.

8 (6) A person who intentionally violates subsection (3) or (5)
9 is guilty of a crime as follows:

10 (a) For a first offense, the person is guilty of a misdemeanor
11 punishable by imprisonment for not more than 93 days or a fine of
12 not more than \$500.00, or both.

13 (b) For a second or subsequent offense, the person is guilty
14 of a felony punishable by imprisonment for not more than 4 years or
15 a fine of not more than \$2,000.00, or both.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 101st Legislature are
18 enacted into law:

19 (a) Senate Bill No.____ or House Bill No. 5913 (request no.
20 04851'21 a).

21 (b) Senate Bill No.____ or House Bill No. 5919 (request no.
22 04851'21 b).