

CHILD IDENTIFICATION AND PROTECTION ACT
Act 176 of 1985

AN ACT to safeguard the privacy of children by regulating the fingerprinting of children.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

The People of the State of Michigan enact:

722.771 Short title.

Sec. 1. This act shall be known and may be cited as the “child identification and protection act”.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

722.772 Definitions.

Sec. 2. As used in this act:

(a) “Child” means any person under 17 years of age.

(b) “Governmental unit” means the state or any political subdivision of the state, an authorized representative of the state or any political subdivision of the state, any school district, intermediate school district, or an authorized representative of any school district or intermediate school district.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

722.773 Fingerprinting child; prohibition; exception.

Sec. 3. Except as provided in section 4, a governmental unit shall not fingerprint a child.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

722.774 Fingerprinting child; conditions.

Sec. 4. A governmental unit may fingerprint a child if 1 or more of the following apply:

(a) A parent or guardian has given written authorization for the taking of the fingerprints for use in the future in case the child becomes a runaway or a missing child. Only 1 set of prints shall be taken and the fingerprint cards shall be given to the parent or guardian for safekeeping. The fingerprints, written authorizations for fingerprinting, or notice of their existence shall not be recorded, stored, or kept in any manner by a police agency, except as provided in this subdivision or except at the request of the parent or guardian if the child becomes a runaway or a missing child. When the child is located or the case is otherwise disposed of, the fingerprint cards shall be returned to the parents or guardian.

(b) Fingerprints are required to be taken pursuant to section 3 of Act No. 289 of the Public Acts of 1925, being section 28.243 of the Michigan Compiled Laws, section 1 of Act No. 120 of the Public Acts of 1935, being section 28.271 of the Michigan Compiled Laws, or section 724 of Act No. 258 of the Public Acts of 1974, being section 330.1724 of the Michigan Compiled Laws.

(c) Fingerprints are required by court order.

(d) Fingerprints are voluntarily given with the written permission of the child and parent or guardian, upon request of a law enforcement officer, to aid in a specific criminal investigation. Only 1 set of prints shall be taken and, upon completion of the investigation, the law enforcement agency shall return the fingerprint cards to the parent or guardian of the child.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

722.775 Conditional effective date.

Sec. 5. This act shall not take effect unless House Bill No. 4228 of the 83rd Legislature is enacted into law.

History: 1985, Act 176, Imd. Eff. Dec. 2, 1985.

Compiler's note: House Bill No. 4228, referred to in this section, became P.A. 1985, No. 175, Imd. Eff. Dec. 2, 1985.