

INTERSTATE LAW ENFORCEMENT INTELLIGENCE ORGANIZATIONS

Act 201 of 1980

AN ACT to regulate the maintenance and supplying of information by a law enforcement agency to an interstate law enforcement intelligence organization; to regulate membership by a law enforcement agency in interstate law enforcement intelligence organizations; and to prescribe penalties.

History: 1980, Act 201, Imd. Eff. July 18, 1980

The People of the State of Michigan enact:

752.1 Definitions.

Sec. 1.

As used in this act:

(a) "File" means all information about an individual recorded and retained by a law enforcement intelligence organization regardless of how the information is stored.

(b) "Freedom of information act" means an act which provides that members of the public have a right to inspect and copy certain records of governmental agencies, which for this state is Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(c) "Individual" means a natural person or a parent or guardian of a natural person who is less than 18 years of age, unless the person who is less than 18 years of age indicates otherwise.

(d) "Interstate law enforcement intelligence organization" means any intelligence gathering organization whose purpose is to promote the gathering, recording, and interstate exchange of confidential information not available through regular police channels and which provides a central clearinghouse for information dissemination to its membership. Interstate law enforcement intelligence organization includes, but is not limited to, the intelligence gathering organization registered as a charitable trust in the state of California with its principal offices located in Sacramento, California.

(e) "Law enforcement agency" means a state or local police department, a sheriff's department, a county prosecutor's office, the department of attorney general, or any other department or agency which enforces the laws of this state or the ordinances of a county, township, city, or village.

History: 1980, Act 201, Imd. Eff. July 18, 1980

752.2 Supplying information to or maintaining files supplied by interstate law enforcement intelligence organization; conditions.

Sec. 2.

A law enforcement agency may not supply information to or maintain files supplied by an interstate law enforcement intelligence organization unless 1 of the following conditions is met:

(a) The organization is the El Paso intelligence center.

(b) The interstate law enforcement intelligence organization is established by an act of congress.

(c) The interstate law enforcement intelligence organization is established within a federal investigative agency and membership is with the concurrence of the governor of this state.

(d) The interstate law enforcement intelligence organization is created by an act of the legislature in the state where the organization is located and by the legislature of this state.

History: 1980, Act 201, Imd. Eff. July 18, 1980

752.3 Maintaining membership, supplying information to, or maintaining files supplied by interstate law enforcement intelligence organization; conditions; exceptions; effective date of section.

Sec. 3.

(1) Except as provided in section 2, a law enforcement agency shall not maintain membership, supply information to, or maintain files supplied by an interstate law enforcement intelligence organization unless all of the following conditions are met by the interstate law enforcement intelligence organization:

(a) The organization is governed by a citizen oversight body which has the authority to periodically review the files maintained by the organization.

(b) The files maintained by an organization are relevant to a criminal investigation or pertinent to and within the scope of an authorized law enforcement activity.

(c) The organization does not maintain a record describing how an individual exercises rights guaranteed by the first amendment of the constitution of the United States.

(d) The organization has established guidelines which provide for the review of files at regular intervals to insure the accuracy and legality of the file information.

(e) The organization has established guidelines which provide for the destruction of outdated or inaccurate information.

(f) The organization permits its files located in a state with a freedom of information act to be accessible to the public in accordance with that act.

(2) This section shall take effect July 1, 1983.

History: 1980, Act 201, Eff. July 1, 1983

752.4 Notice of membership.

Sec. 4.

A law enforcement agency which is a member of an interstate law enforcement intelligence organization shall notify the legislature and the governor of its membership not later than February 1 of each year.

History: 1980, Act 201, Imd. Eff. July 18, 1980

Compiler's Notes: Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.

752.5 Exchange of information through regular police channels.

Sec. 5.

This act shall not be construed to prohibit the exchange of information through regular police channels between a law enforcement agency in this state and a law enforcement agency in another state, the District of Columbia, or the federal government.

History: 1980, Act 201, Imd. Eff. July 18, 1980

Compiler's Notes: Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.

752.6 Violation as misdemeanor.

Sec. 6.

A person who knowingly violates this act is guilty of a misdemeanor.

History: 1980, Act 201, Imd. Eff. July 18, 1980

Compiler's Notes: Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.