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BILL ANALYSIS



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Senate Bill 471 (as introduced 9-10-13)
Sponsor: Senator Roger Kahn, M.D.
Committee: Judiciary

Date Completed: 9-23-13

CONTENT

The bill would amend the fingerprinting law to do the following:

- **Specify that a provision regarding dissemination of criminal history record information would not allow (rather than does not require) the release of nonpublic information or information legally prohibited from being disseminated.**
- **Allow juvenile history record information to be disseminated only in response to a fingerprint-based search.**
- **Allow juvenile history record information requested through the Law Enforcement Information Network (LEIN) to be disseminated solely to a person or entity authorized to receive juvenile information on the bill's effective date.**

Dissemination of Criminal Info

Under the law, all criminal history record information that is associated with a State identification number and is supported by biometric data must be disseminated in response to a fingerprint-based or name-based search of the criminal history record information database. The law states that this provision does not *require* the dissemination of criminal history record information that is nonpublic or is prohibited by law from being disseminated. The bill instead specifies that the provision would not *allow* the dissemination of criminal history record information that was nonpublic or was prohibited by law from being disseminated.

Dissemination of Juvenile Info

The bill specifies that, except as provided below, all juvenile history record information that was associated with a State identification number and was supported by biometric data could be disseminated in response only to a fingerprint-based search of the criminal history record information database. This provision would not allow the dissemination of juvenile history record information that was nonpublic or was prohibited by law from being disseminated.

All juvenile history record information that was associated with a State identification number and that was supported by biometric data could be disseminated in response to either a name-based or fingerprint-based search of the criminal history record information database through LEIN solely to a person or entity authorized to receive access to juvenile history record information on the bill's effective date, including as provided under Rule 28.5201 of

the Michigan Administrative Code. This provision would not allow the dissemination of juvenile history record information that was prohibited by law from being disseminated.

(Under R 28.5201, access to LEIN, the Automated Fingerprint Identification System (AFIS), and other information systems is restricted to the following entities and people:

- A criminal justice agency.
- A nongovernmental agency that is statutorily vested with arrest powers and whose primary function is the administration of criminal justice.
- A governmental agency whose primary function is the administration of criminal justice and whose governing board has criminal justice agencies as the majority of its members.
- The Department of State.
- An agency authorized by statute.
- An agency, entity, or person approved by the Criminal Justice Information System (CJIS) System Agency or CJIS System Officer for public safety purposes.

To qualify for access to the information systems, an authorized agency, entity, or person must do the following, as required by the Department of State Police:

- Complete an application and user agreement.
- Submit a security plan to the CJIS Information Security Officer.
- Participate in audits.
- Complete a management control agreement.

The agency, entity, or person also must agree to comply with State and Federal statutes, the Michigan Administrative Rules, the Michigan and Federal CJIS security policies, and the procedures outlined in the LEIN operations manual.)

MCL 28.242a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

According to the Department of State Police, it came into compliance with the requirements of this bill during the summer of 2013 and was able to do so using existing fiscal resources.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.