

HOUSE BILL No. 5062

October 8, 2013, Introduced by Reps. Santana, Knezek, Schor, Stallworth, Talabi, Cavanagh and Muxlow and referred to the Committee on Criminal Justice.

A bill to amend 1935 PA 120, entitled

"An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2012 PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Until October 1, 2015, the department ~~of state~~
2 ~~police~~ may charge a fee, not to exceed \$30.00, for taking and
3 processing the fingerprints and completing a criminal record check
4 of a resident of this state when the impression of the fingerprints
5 are requested for employment-related or licensing-related purposes.
6 A fee shall not be collected under this subsection if a fee for
7 taking and processing fingerprints is collected under any other
8 law. The fee shall not exceed the actual cost of taking and
9 processing the impression of the fingerprints and completing a

1 criminal record check on that person. The fee shall be collected
2 and forwarded to the ~~state police~~ **DEPARTMENT** by the licensing body
3 or the employer.

4 (2) The department ~~of state police~~ shall submit a written
5 report to the secretary of the senate and the clerk of the house of
6 representatives by October 1 of each year stating whether the fee
7 charged under subsection (1) is sufficient to support the actual
8 costs of fingerprinting and what the actual costs of fingerprinting
9 are.

10 (3) Until October 1, 2015, the department of state police may
11 charge a fee of \$10.00 for processing and completing a name-based
12 criminal record check. However, a fee shall not be charged under
13 this subsection if ~~a~~ **ANY OF THE FOLLOWING APPLY:**

14 (A) **A** fee for processing the name-based criminal record check
15 is charged under any other law. ~~or if the~~

16 (B) **THE** requester is a government agency or nonprofit
17 charitable agency performing employment or volunteer employment
18 name-based background checks through ~~the internet criminal history~~
19 ~~access tool (ICHAT).~~ **ICHAT.**

20 (C) **THE REQUESTOR IS AN ANIMAL CONTROL SHELTER OR ANIMAL**
21 **PROTECTION SHELTER PERFORMING A NAME-BASED BACKGROUND CHECK FOR**
22 **PURPOSES OF ANIMAL ADOPTION CHECKS THROUGH ICHAT.**

23 (4) **THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT OF ANIMAL**
24 **ABUSE OFFENSES REPORTED TO THE DEPARTMENT FOR INCLUSION IN THE**
25 **DEPARTMENT'S CRIMINAL HISTORY RECORD INFORMATION DATABASE. EACH**
26 **REPORT SHALL INCLUDE THE NUMBER OF OFFENSES REPORTED TO THE**
27 **DEPARTMENT DURING THE YEAR, BROKEN DOWN INTO CATEGORIES CONSIDERED**

1 APPROPRIATE BY THE DEPARTMENT. A COPY OF EACH REPORT SHALL BE
2 PROVIDED TO ALL OF THE FOLLOWING BEFORE THE EXPIRATION OF 30 DAYS
3 AFTER THE CALENDAR YEAR IN WHICH THE REPORT IS DUE:

4 (A) THE SECRETARY OF THE SENATE.

5 (B) THE CLERK OF THE HOUSE OF REPRESENTATIVES.

6 (C) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL
7 DEVELOPMENT.

8 (5) AS USED IN THIS SECTION:

9 (A) "ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING,
10 BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO
11 PARTICIPATE IN FIELD TRIALS OR THE LAWFUL KILLING OR OTHER USE OF
12 AN ANIMAL IN FARMING OR A GENERALLY ACCEPTED ANIMAL HUSBANDRY OR
13 FARMING PRACTICE INVOLVING LIVESTOCK:

14 (i) A VIOLATION OF SECTION 49 OF THE MICHIGAN PENAL CODE, 1931
15 PA 328, MCL 750.49.

16 (ii) A VIOLATION OF SECTION 50 OF THE MICHIGAN PENAL CODE, 1931
17 PA 328, MCL 750.50.

18 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
19 1931 PA 328, MCL 750.50A.

20 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
21 1931 PA 328, MCL 750.50B.

22 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
23 1931 PA 328, MCL 750.50C.

24 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
25 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
26 AGAINST NATURE WITH AN ANIMAL.

27 (vii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY

1 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vi).

2 (viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
3 IN SUBPARAGRAPHS (i) TO (vii).

4 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

5 (C) "ICHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL
6 MAINTAINED BY THE DEPARTMENT.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 97th Legislature are
9 enacted into law:

10 (a) House Bill No. 4534.

11 (b) Senate Bill No. or House Bill No. 5063 (request no.
12 03368'13).

13 (c) Senate Bill No. or House Bill No. 5061 (request no.
14 03722'13).