

C.J.I.S. POLICY COUNCIL ACT (EXCERPT)
Act 163 of 1974

28.214 Council; duties; fingerprints; disclosure of information; violation; penalty.

Sec. 4.

(1) The council shall do all of the following:

(a) Establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement. The policy and rules must do all of the following:

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

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

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

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

(A) A preemployment criminal convictions history.

(B) A preemployment driving record.

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

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

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

(b) Review applications for C.J.I.S. access and approve or disapprove the applications and the sites. If an application is disapproved, the applicant must be notified in writing of the reasons for disapproval.

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

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

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

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

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

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

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

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

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

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

History: 1974, Act 163, Eff. Apr. 1, 1975 ;-- Am. 1998, Act 82, Eff. July 1, 1998 ;-- Am. 1998, Act 458, Imd. Eff. Jan. 4, 1999 ;-- Am. 1998, Act 459, Imd. Eff. Jan. 4, 1999 ;-- Am. 2000, Act 320, Imd. Eff. Oct. 25, 2000 ;-- Am. 2005, Act 308, Eff. Feb. 1, 2006 ;-- Am. 2005, Act 311, Eff. Feb. 1, 2006 ;-- Am. 2011, Act 199, Imd. Eff. Oct. 18, 2011 ;-- Am. 2018, Act 66, Eff. June 12, 2018

Admin Rule: R 28.5101 et seq. of the Michigan Administrative Code.