

# Legislative Analysis



## LOCAL UNITS COULD REQUIRE CRIMINAL HISTORY CHECKS FOR TAXI DRIVERS, STREET VENDORS, ETC.

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**House Bill 4601**

**Sponsor: Rep. Richard LeBlanc**

**Committee: Judiciary**

**Complete to 6-8-09**

### A SUMMARY OF HOUSE BILL 4601 AS INTRODUCED 3-17-09

The bill would allow municipalities to adopt ordinances requiring individuals in certain professions, such as taxicab drivers, street vendors, and door-to-door solicitors, to first undergo fingerprint criminal history checks. The bill would take effect January 1, 2010.

House Bill 4601 would create a new act to allow a local unit of government (defined as a county, city, village, township, or charter township) to adopt an ordinance requiring the fingerprinting of door-to-door solicitors, taxicab drivers or other drivers for hire, or street vendors or other transient merchants for the purpose of obtaining criminal history record information on those individuals.

"Criminal history record information" would mean that term as defined in MCL 28.241a. (Under that provision, the term refers to name; date of birth; fingerprints; photographs, if available; personal descriptions, including identifying marks, scars, amputations, and tattoos; aliases and prior names; Social Security number, driver's license number and other identifying numbers; and information on misdemeanor arrests and convictions and felony arrests and convictions.)

Fingerprint check. Under the bill, fingerprints collected by the municipality would be submitted to the Department of State Police for a state criminal history record check (LEIN) and to the Federal Bureau of Investigation (FBI) for a national criminal history check. The department would have to disseminate the federal information to the municipality.

Fees. A municipality could pass the cost of the state and federal fingerprint checks onto the individual (currently, \$30 and \$24, respectively). These fees would be forwarded to the department. (It is not clear if the wording of the bill would allow a municipality to charge an additional fee for collecting and processing the fingerprints, which is currently allowed when fingerprinting individuals mandated by statute to undergo a criminal history check for a specific occupation, or if the wording would exclude such a fee.)

Policies. A municipality that fingerprinted an applicant or licensee under the bill would be required to develop a written fingerprint policy and provide a synopsis of that policy to the applicant or licensee. The synopsis would have to describe how fingerprints would

be controlled while in the possession of the municipality (e.g., city police department or sheriff's office), who the fingerprints are sent to, and how the fingerprints are used.

Retention. The municipality could not retain the fingerprint impressions after the criminal history check was completed unless requested to do so in writing by the applicant or licensee. Any biometric data kept on file by the municipality would be exempt from disclosure under the Freedom of Information Act. (The bill is silent as to how the fingerprint impressions would be removed from the local system.)

#### **FISCAL IMPACT:**

House Bill 4601 would have an indeterminate fiscal impact on state and local government. Fingerprint background checks cost \$54 in total (\$30 for the State Police cost and \$24 for the FBI); however, it is unknown how many local government units would establish an ordinance to require fingerprint background checks of the individuals listed in this bill. It is also unknown how many of these individuals would actually undergo fingerprint background checks. The State Police and local government units may incur some administrative costs for processing, storing, and disposing the fingerprint information.

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