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FIRE SERVICE ACCESS TO L.E.I.N

House Bill 5137 as enrolled
Public Act 459 of 1998
Second Analysis (1-11-99)

Sponsor: Rep. Jon Jellema
House Committee: Judiciary
Senate Committee: none

THE APPARENT PROBLEM:

On February 15th of 1995 a volunteer firefighter trainee crashed into a sheriff's vehicle, killing the deputy in the vehicle. The vehicle driven by the trainee failed to stop at an intersection and struck the sheriff's vehicle broadside. What was a tragic event was made more difficult when it became apparent that the firefighter trainee's driving record was less than exemplary. According to news accounts at the time, the trainee had 13 traffic convictions from 1989 through the time of the accident, eight of which were for speeding. In fact, the trainee's driver's license had been suspended twice and restricted on another occasion between November of 1993 and the accident. In spite of his driving record, the trainee had been training to become a firefighter and had been a member of the township fire department for about six months prior to the incident. This event served as notice of the difficulty fire departments currently have screening job applicants for their driving records or criminal histories. The current means of obtaining such information requires forms to be filled out and mailed to the local police agency and to the secretary of state, and having the information mailed back. It has been suggested that, given the trust placed in fire fighters and the importance of driving in their work, fire departments should be more easily able to examine applicants' driving records and criminal histories prior to hiring.

Further, as of January 1, 1999 fire fighters will be required to make reports using the National Fire Incident Reporting System 5.0 (NFIRS 5.0) instead of those forms currently in use. The new system is designed to collect a wider range of information and to be easier to use. It is hoped that by analyzing the incident data, patterns will emerge that will help fire departments to focus on current problems, more readily predict future problems, and measure the success of fire control and prevention programs. Part of the NFIRS 5.0 reporting requirements will include information contained on the LEIN but not currently

readily available to fire fighters, particularly information regarding vehicle ownership in vehicle fires.

THE CONTENT OF THE BILL:

Under the LEIN Policy Council Act, the LEIN policy council is required to establish and promulgate rules regarding the operational procedures for use of the law enforcement information network (LEIN). The policy and rules are required to ensure access to locator information by state and federal agencies and the friend of the court for enforcement of child support programs in accordance with state and federal law. House Bill 5137 would amend the LEIN Policy Council Act to expand the situations under which access to information from the LEIN would be allowed. Specifically, a fire chief of an organized fire department or his or her designee would be allowed to request and receive information obtained from the LEIN by a law enforcement agency for pre-employment checks of either criminal convictions history and/or driving records from a law enforcement agency. In addition, a fire chief or his or her designee could seek and receive vehicle registration information from the LEIN in order to determine who owned a vehicle that had been involved in a fire or hazardous materials incident.

In addition, the bill would require that access be granted to a state or county employee engaged in the enforcement of Michigan's child protection laws or rules with regard to information about an individual being investigated by the employee. [Note: This language was included to avoid conflict with changes made House Bill 5987. For further information about the effects of this change see the House Legislative Analysis Section's analysis of House Bill 5987 dated 9-23-98.]

MCL 28.214

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FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill will provide access to information for fire fighters in two different but important areas. First, by allowing access to information about applicants, the bill will help to justify and maintain the public's high opinion of fire fighters. Not only will fire departments be able to avoid unknowingly hiring people with unacceptable driving records, the bill will make certain that fire departments have access to an applicant's criminal history as well. The information regarding driving records is of particular import as testimony indicated that as many as 42 percent of the fire service fatalities are due to driving accidents.

Second, the bill will allow fire fighters to have access to information regarding burning vehicles. When a fire fighter is called upon to deal with a burning vehicle, it is important to know who owns the vehicle quickly. For example, if a burning vehicle was involved in a crime, the fire fighters will treat the scene as crime scene. Another time that it helps to know more about a vehicle occurs when a truck's contents are not properly marked. If the vehicle is carrying hazardous materials, it would be helpful to find that out as soon as possible. Further, on January 1, 1999, fire departments throughout the state will be required to use the new national fire incident reporting system, which will require information to which fire fighters do not currently have regular access.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.