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BILL ANALYSIS

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Senate Bill 286 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

CONTENT

The bill would create a new act to require an "online dating service provider" that offered services to Michigan residents to disclose prominently on its homepage that, "due to limitations of criminal background checks, members of the online dating service should adhere to safe dating practices while dating other members". The provider also would have to do one of the following: 1) disclose prominently on its home page that it had not conducted criminal background checks on people using its service; 2) if the provider conducted criminal background checks through the criminal history record systems of the 50 states and the District of Columbia, display prominently on its home page a disclosure that, based solely on the name provided by the member, the provider had conducted such a criminal background check; or 3) if the provider conducted criminal background checks through a private vendor, disclose that, based solely on the name provided by the member, the provider had conducted a criminal background check through a private vendor whose database contains more than 170.0 million criminal records that are otherwise available to the public, and whose records might not include all convictions from all jurisdictions. The bill would take effect on July 1, 2005.

A provider would have to establish a policy on what actions it would initiate as a result of a criminal background check. Before being accepted for membership, a person would have to acknowledge that he or she had an opportunity to review the policy.

A violation of the proposed act would be a misdemeanor punishable by a fine of \$250 per day for each day the person was in violation of the act. It would be a separate violation for each person for whom the provider failed to provide the required notice. The Attorney General or a person who suffered damages as a result of a violation could bring a civil action, and could recover actual damages or \$500,000, whichever was less, as well as actual costs and actual and reasonable attorney fees.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill would allow additional civil actions by the Attorney General or people who suffered damages as a result of a violation of the proposed act, it potentially would increase costs to the judiciary and the Attorney General's office.

To the extent that the bill would increase the number of misdemeanants by creating a new misdemeanor, it would increase local corrections costs, which vary by county. The proposed misdemeanor fine would benefit public libraries.

Date Completed: 3-23-05

Fiscal Analyst: Bethany Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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