

HOUSE BILL No. 4011

January 13, 2011, Introduced by Rep. LeBlanc and referred to the Committee on Judiciary.

A bill to authorize local units of government to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Notwithstanding any other provision of law to the
2 contrary, a local unit of government may by ordinance require the
3 fingerprinting of door-to-door solicitors, taxicab drivers or other
4 drivers for hire, or street vendors or other transient merchants,
5 including merchants who market their goods from motorized vehicles,

1 for the purpose of obtaining criminal history record information on
2 those individuals. Fingerprints obtained pursuant to this act may
3 be submitted by the local unit of government to the department of
4 state police for a state criminal history record check and to the
5 federal bureau of investigation for a national criminal history
6 record check.

7 (2) The department of state police shall serve as the sole
8 source for receiving fingerprint submissions from local units of
9 government and for receiving the responses to those fingerprint
10 submissions from the federal bureau of investigation. The criminal
11 history record information obtained by the department of state
12 police shall be disseminated to the local unit of government.

13 (3) A local unit of government may charge an individual the
14 appropriate fees for the state and national criminal history record
15 check. The appropriate fees for a state and national criminal
16 history record check shall be submitted by the local unit of
17 government to the department of state police.

18 (4) A local unit of government that fingerprints applicants or
19 licensees under this act shall develop a written fingerprint policy
20 and shall provide those applicants or licensees with a written
21 synopsis of the fingerprinting policy that describes how
22 fingerprints are taken, how fingerprints are controlled while in
23 the possession of the local unit of government, who the
24 fingerprints are sent to, and how the fingerprints are used.

25 (5) The fingerprint impression of an applicant or licensee
26 obtained under this act shall not be permanently retained by the
27 local unit of government after the completion of the criminal

1 history record check unless the applicant or licensee requests in
2 writing to the local unit of government that he or she would like
3 the fingerprint impression kept on file for future use.

4 (6) Any biometric data kept on file by the local unit of
5 government is exempt from disclosure under section 13(1)(d) of the
6 freedom of information act, 1976 PA 442, MCL 15.243.

7 (7) As used in this act:

8 (a) "Criminal history record information" means that term as
9 defined in section 1a of 1925 PA 289, MCL 28.241a.

10 (b) "Local unit of government" means a county, city, village,
11 township, or charter township.

12 Enacting section 1. This act takes effect January 1, 2012.