

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

State Police

Division/Bureau/Office:

Criminal Justice Information System

Name of person completing this form:

Steven Beatty

Phone number of person completing this form:

517-282-8858

E-mail of person completing this form:

BeattyS@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Steve Beatty

2. Rule Set Information

MOAHR assigned rule set number:

2019-142 SP

Title of proposed rule set:

Criminal Justice Information Systems

3. Purpose for the proposed rules and background:

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The rules codify requirements for access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network (LEIN), the automated fingerprint information system (AFIS), and other information systems related to criminal justice or law enforcement.

The rules were last updated in June 2009. Various revisions are necessary to clarify when and under what circumstances criminal justice information systems and the information within those systems may be accessed, disseminated, and entered or removed in light of changes in federal and state law and standards since the rules' last revision.

The MSP has identified certain definitions contained in R 28.5101 as being too broad, thereby creating confusion in determining what systems and what information are subject to these rules. Among other definitional revisions, the following definitions will be revised or deleted: "criminal justice information," "criminal justice information systems," and "other information systems."

The requirement that all agencies or entities having access to LEIN pay an annual fee is contained in R 28.5414; however, there is no longer a necessity to fund LEIN through annual user fees because the Legislature has been providing funding for LEIN in the MSP's annual appropriation.

4. Summary of proposed rules:

The proposed rules are changes to existing rules, drafted to clarify the requirements for access, use, and disclosure of information in criminal justice information systems in light of changes to federal and state law and standards since the last revision of the rules, to revise certain definitions to avoid confusion in determining which systems and information are subject to the rules, and to remove the requirement for certain fees.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Mining Journal (Published November 2, 2020)
The Grand Rapids Press (Published November 5, 2020)
The Flint Journal (Published November 6, 2020)

6. Date of publication of rules and notice of public hearing in Michigan Register:

11/15/2020

7. Date, time, and location of public hearing:

11/19/2020 01:00 PM at Michigan State Police Headquarters, Centennial Room, and via TEAMS. , 7150 Harris Drive, Dimondale, Michigan, and via TEAMS (<http://bit.ly/MSP-CJIS11-19-2020PublicHearing>)

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=128>

9. List of the name and title of agency representative(s) attending public hearing:

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Steven Beatty, Regulatory Affairs Officer
Kevin Collins, Manager, Field Support Section
Rich Chafee, Trooper, Legal Resources and Education Unit (attended virtually via Teams)
Wayne Aldrich, Information Security Officer (attended virtually via Teams)
Ryan Mainz, Departmental Specialist (attended virtually via Teams)

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

None

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1					

13. Date report completed:

12/2/2020