SENATE BILL No. 603

October 8, 2013, Introduced by Senators BIEDA, JONES, KAHN, PAPPAGEORGE, ANANICH, COLBECK, ANDERSON, KOWALL and YOUNG and referred to the Committee on Judiciary.

A bill to amend 1935 PA 120, entitled
"An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2012 PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. (1) Until October 1, 2015, the department of state police may charge a fee, not to exceed $30.00, for taking and processing the fingerprints and completing a criminal record check of a resident of this state when the impression of the fingerprints are requested for employment-related or licensing-related purposes. A fee shall not be collected under this subsection if a fee for taking and processing fingerprints is collected under any other law. The fee shall not exceed the actual cost of taking and processing the impression of the fingerprints and completing a
criminal record check on that person. The fee shall be collected
and forwarded to the state police DEPARTMENT by the licensing body
or the employer.

(2) The department of state police shall submit a written
report to the secretary of the senate and the clerk of the house of
representatives by October 1 of each year stating whether the fee
charged under subsection (1) is sufficient to support the actual
costs of fingerprinting and what the actual costs of fingerprinting
are.

(3) Until October 1, 2015, the department of state police may
charge a fee of $10.00 for processing and completing a name-based
criminal record check. However, a fee shall not be charged under
this subsection if ANY OF THE FOLLOWING APPLY:

(A) A fee for processing the name-based criminal record check
is charged under any other law. or if the

(B) THE requester is a government agency or nonprofit
charitable agency performing employment or volunteer employment
name-based background checks through the internet criminal history
access tool (ICHAT).

(C) THE REQUESTOR IS AN ANIMAL CONTROL SHELTER OR ANIMAL
PROTECTION SHELTER PERFORMING A NAME-BASED BACKGROUND CHECK FOR
PURPOSES OF ANIMAL ADOPTION CHECKS THROUGH ICHAT.

(4) THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT OF ANIMAL
ABUSE OFFENSES REPORTED TO THE DEPARTMENT FOR INCLUSION IN THE
DEPARTMENT'S CRIMINAL HISTORY RECORD INFORMATION DATABASE. EACH
REPORT SHALL INCLUDE THE NUMBER OF OFFENSES REPORTED TO THE
DEPARTMENT DURING THE YEAR, BROKEN DOWN INTO CATEGORIES CONSIDERED
APPROPRIATE BY THE DEPARTMENT. A COPY OF EACH REPORT SHALL BE
PROVIDED TO ALL OF THE FOLLOWING BEFORE THE EXPIRATION OF 30 DAYS
AFTER THE CALENDAR YEAR IN WHICH THE REPORT IS DUE:

(A) THE SECRETARY OF THE SENATE.

(B) THE CLERK OF THE HOUSE OF REPRESENTATIVES.

(C) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL
DEVELOPMENT.

(5) AS USED IN THIS SECTION:

(A) "ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING, BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO
PARTICIPATE IN FIELD TRIALS OR THE LAWFUL KILLING OR OTHER USE OF
AN ANIMAL IN FARMING OR A GENERICLY ACCEPTED ANIMAL HUSBANDRY OR
FARMING PRACTICE INVOLVING LIVESTOCK:

(i) A VIOLATION OF SECTION 49 OF THE MICHIGAN PENAL CODE, 1931
PA 328, MCL 750.49.

(ii) A VIOLATION OF SECTION 50 OF THE MICHIGAN PENAL CODE, 1931
PA 328, MCL 750.50.

(iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.50A.

(iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.50B.

(v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.50C.

(vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
AGAINST NATURE WITH AN ANIMAL.

(vii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY
CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vi).

(viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN SUBPARAGRAPHS (i) TO (vii).

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

(C) "ICHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL MAINTAINED BY THE DEPARTMENT.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) House Bill No. 4534.

(b) Senate Bill No. 605.

(c) Senate Bill No. 604.