

MICHIGAN STATE POLICE
Criminal Justice Information Systems (CJIS)
Board Meeting Minutes
April 22, 2021
Microsoft Teams Virtual Meeting

Members Present

<u>Name</u>	<u>Agency</u>
Lt. Col. Chris A. Kelenske	Michigan State Police (MSP)
Mr. Kevin Collins	MSP
Undersheriff Charles Dewitt Proxy for Sheriff Michelle Young	Kent County Sheriff's Office, Michigan Sheriff's Association (MSA)
Sheriff Troy Bevier	Lenawee County Sheriff's Office, MSA
Ms. Julie Nakfoor Pratt	Barry County Prosecutor's Office, Prosecuting Attorneys Association of Michigan (PAAM)
Mr. David Gilbert	Calhoun County Prosecutor's Office, PAAM
Chief Darin Dood	Lakeview Police Department, Michigan Association of Chiefs of Police (MACP)
Chief David Molloy	Novi Police Department, MACP
Ms. Lisa Hall	Michigan Communications Directors Association
Ms. Bobbi Morrow	State Court Administrative Office (SCAO)
Ms. Alexandria Casperson	Michigan Department of Attorney General
Ms. Katie Bower Proxy for Mr. Darryl Hill	Michigan Department of State (MDOS)
Mr. Warren Wilson	Michigan Department of Corrections (MDOC)
Mr. David Russell	Michigan Department of Health and Human Services (MDHHS)
Mr. Brian Pillar	Michigan Department of Technology, Management, and Budget (DTMB)
Hon. Pamela Lightvoet	9 th Circuit Court, Michigan Judges Association
Mr. Robert Medacco	Inter-Tribal Council of Michigan

Guests

Ms. Elizabeth Arritt, MSP	Sgt. Nicole McGhee, MSP	Ms. Sherry Rosin, MSP
Mr. Scott Blanchard, MSP	Ms. Mitzi Goldstein, MSP	Mr. Shawn Sible, MSP
Mr. Ken Brzozowski, MDOC	Ms. Michelle Kuzera, MSP	Ms. Kristin Forester, MSP

Welcome

Lt. Colonel Kelenske called the meeting to order. Ms. Forester took roll call of the board members.

Approval of Agenda

Motion: Chief Molloy motioned to approve the agenda for April 22, 2021.

Support: Undersheriff Dewitt.

Motion passed unanimously.

Last Meeting Minutes Approval

Motion: Sheriff Bevier motioned to approve the meeting minutes from January 22, 2021.

Support: Ms. Casperson.

Motion passed unanimously.

Legislative Update (Sergeant McGhee)

House Bills 4219 and 4220 - OWI Set Aside

- Provides for the setting aside of a single OWI 1st Conviction. Bills are tie-barred to House Bills 4308 and 4309 (.08 BAC sunset elimination).
 - Lt. Colonel Kelenske: Why is this a sunset item? Sergeant McGhee: This has been sunset for 10-plus years. There are senators that don't want to eliminate it completely. Michigan is the only state in the nation with a sunset.

House Bill 4239 - Vehicle Immobilization

- Eliminates the requirement that a vehicle be issued a temporary license plate while a violation of law committed by its driver is adjudicated.

Senate Bill 11 - CPL's under the EMA

- When under an executive order issued under the Emergency Management Act (EMA), requires county clerks to continue to process concealed pistol license (CPL) applications, provide CPL fingerprinting services, and provide CPL renewal PINs; and requires law enforcement agencies to provide CPL fingerprinting.

House Bill 4174 - Criminal Justice Data Collection

- Seeks to establish uniform data collection and reporting system for courts and law enforcement.

House Bill 4653 - Child Abuse Registry (Wyatt's Law)

- Seeks to establish a registry for individuals convicted of a "child abuse offense."

House Bills 4091-4113 - Human Trafficking (HT)

- Allows for setting aside of criminal convictions on the grounds of being a victim of HT; establishes affirmative defenses; admissibility of other acts as evidence; qualifications of expert witnesses at trial; immunity for compelled testimony; modifies "prostitution" to "commercial sexual activity."

Sex Offender Registry (SOR) Update (Ms. Arritt)

The SOR has been under legal challenges stemming from the 2006 Safety School Zone Implementation and amendments made in 2011, requiring the implementation of the tiering system and fees. In 2016, the United States Circuit Court Eastern District ruled that these were all ex post facto punitive punishment and couldn't retroactively apply to individuals convicted before April of 2011.

On April 7, 2020, Judge Cleland issued an injunction prohibiting the MSP from enforcing the Sex Offenders Registration Act (SORA). In December 2020, Governor Whitmer signed House Bill 5679 amending the SORA, which was effective March 24, 2021.

The SOR Unit is currently developing a new registration application called Michigan Sex Offender Registry (MSOR). Implementation is set for August 2021. The new system has more automation and safeguards for data accuracy. Additionally, court mandates and legislative updates will be easier and quicker to implement to maintain compliance.

Administrative Rules Update (Mr. Collins)

The CJIS Administrative Rules became effective March 19, 2021.

The updated rules are available on the LEIN website and several review sessions for the user community have been held.

Also, the committee has reviewed and made several changes to the Michigan Addendum to the Federal Bureau of Investigation Criminal Justice Information Services Security Policy. Now that the CJIS Administrative Rules are effective, the draft Michigan Addendum has been moved up the chain for approval.

Michigan Department of State Gender Change Language/Letter Motion (Lt. Colonel Kelenske)

Judge Tabbey's update from Mr. Collins: Judge Tabbey is putting together a small group to answer the questions that came out of the previous meeting between MSP and MDOS. So far, Ms. Lisa Hall, Sheriff Bevier, Undersheriff Dewitt, and himself are participating. If anyone else would like to be involved, please send an email to Judge Tabbey directly.

MDOS contacted Lt. Colonel Kelenske to coordinate with MSA and MACP to have a meeting with MDOS and members of the transgender community. Lt. Colonel will contact MSA today and nominate Sheriff Bevier and Undersheriff Dewitt as representatives.

Ms. Hall: Any talk about the next phase with non-binary? Ms. Bower: Unable to speak on this issue. Lt. Colonel Kelenske will try to get a quick status when he talks to Darryl.

Ms. Hall: Mr. Collins, is there an update on how other states are working on system updates? Mr. Collins: There are other states that have non-binary and Mr. Collins does have information on how our switch vendor has dealt with those issues in other states.

Board Round Table

Lt. Colonel Kelenske: Per the previous minutes there was a task from Mr. Russell who asked if there would be documentation other than the electronic lien and title that conveys vehicle ownership. Was this answered?

Mr. Russell: The issue was addressed offline satisfactorily.

Public Comment

Ms. Forester stated that board members would be receiving a cancellation notice for the July 23 and October 22 meetings which will be replaced with new invitations.

Motion: Mr. Collins motioned to adjourn meeting.

Support: Judge Lightvoet.

Motion passed unanimously.

**2021 CJIS Board meetings:
July 23, 2021
October 22, 2021**