



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Phone (517) 373-4835

Jennifer Warner
Director

MEMORANDUM

DATE: April 11, 2014

TO: District and Municipal Court Judges
Magistrates
cc: District and Municipal Court Administrators

FROM: Bobbi Morrow

RE: Protective Conditions – MCL 765.6b

The State Court Administrative Office has learned that several courts are updating information on the Law Enforcement Information Network (LEIN) to reflect release orders with protective conditions that enter in the court. SCAO recommends that courts discontinue this practice unless they formalize the arrangement with the Michigan State Police (MSP).

MCL 765.6b requires a judge or district court magistrate who enters an order releasing a defendant subject to protective conditions to immediately direct a law enforcement agency to enter that order. Further, the statute requires a law enforcement agency to immediately enter an order or amended order into LEIN as provided by the Criminal Justice Information Services (CJIS) Policy Council Act, 1974 PA 163, MCL 28.211 to 28.215.

Under the administrative rules related to LEIN, law enforcement agencies are authorized to enter into agreements with other agencies, including courts and centralized dispatch centers, to enter records on their behalf. CJIS Administrative Rule 28.5401(2). However, courts that enter protective conditions into LEIN must first execute an agreement with the law enforcement agency for which it enters these records. Additionally, courts must ensure these orders and their conditions are able to be confirmed 24 hours a day, seven days a week. This confirmation can be accomplished by providing a copy of the order to the law enforcement agency, or by another method approved by MSP LEIN.

MSP has indicated that as long as an agreement is in place allowing the court to enter the protective conditions, the court will not be cited for any related LEIN violation.

For more information on this matter, please contact me at 517-373-2173 or by email at morrowb@courts.mi.gov.