

**SUBSTITUTE FOR
HOUSE BILL NO. 4981**

A bill to amend 1965 PA 213, entitled
"An act to provide for setting aside the conviction in certain
criminal cases; to provide for the effect of such action; to
provide for the retention of certain nonpublic records and their
use; to prescribe the powers and duties of certain public agencies
and officers; and to prescribe penalties,"
(MCL 780.621 to 780.624) by adding section 1c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1c. (1) A person shall not apply to have set aside, and a**
2 **judge shall not set aside, a conviction for any of the following:**

3 **(a) A felony for which the maximum punishment is life**
4 **imprisonment or an attempt to commit a felony for which the maximum**
5 **punishment is life imprisonment.**

6 **(b) A violation or attempted violation of section 136b(3),**



1 136d(1) (b) or (c), 145c, 145d, 520c, 520d, or 520g of the Michigan
2 penal code, 1931 PA 328, MCL 750.136b, 750.136d, 750.145c,
3 750.145d, 750.520c, 750.520d, and 750.520g.

4 (c) A violation or attempted violation of section 520e of the
5 Michigan penal code, 1931 PA 328, MCL 750.520e, if the conviction
6 occurred on or after January 12, 2015.

7 (d) The following traffic offenses:

8 (i) A conviction for operating while intoxicated by any person.

9 (ii) Any traffic offense committed by an individual with an
10 indorsement on his or her operator's or chauffeur's license to
11 operate a commercial motor vehicle that was committed while the
12 individual was operating the commercial motor vehicle or was in
13 another manner a commercial motor vehicle violation.

14 (iii) Any traffic offense that causes injury or death.

15 (e) A felony conviction for domestic violence, if the person
16 has a previous misdemeanor conviction for domestic violence.

17 (f) A violation of former section 462i or 462j or chapter
18 LXVIIIA or chapter LXXXIII-A of the Michigan penal code, 1931 PA
19 328, MCL 750.462a to 750.462h and 750.543a to 750.543z.

20 (2) The prohibition on the setting aside of the convictions
21 under subsection (1) upon application also applies to the setting
22 aside of convictions without application under section 1g.

23 (3) An order setting aside a conviction for a traffic offense
24 under this act must not require that the conviction be removed or
25 expunged from the applicant's driving record maintained by the
26 secretary of state as required under the Michigan vehicle code,
27 1949 PA 300, MCL 257.1 to 257.923.

28 Enacting section 1. This amendatory act takes effect 180 days
29 after the date it is enacted into law.



1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 100th Legislature are
3 enacted into law:

- 4 (a) House Bill No. 4980.
- 5 (b) House Bill No. 4982.
- 6 (c) House Bill No. 4983.
- 7 (d) House Bill No. 4984.
- 8 (e) House Bill No. 4985.
- 9 (f) House Bill No. 5120.

