



Senate Fiscal Agency
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Senate Bill 244 (Substitute S-1 as reported)

Sponsor: Senator Rick Jones

Committee: Judiciary

CONTENT

The bill would amend Public Act 213 of 1965, which provides for the setting aside (expunction) of certain criminal convictions, to allow a person to apply for the expunction of one or more convictions, under certain circumstances, rather than only a single conviction. The bill would do all of the following:

- Allow a person who was convicted of not more than one "major offense" and not more than two "minor offenses" to apply for expunction of the major offense or one or both of the minor offenses.
- Prohibit expunction of a child sexually abusive material conviction (MCL 750.145c).
- Prohibit expunction of a conviction for using the internet or a computer to communicate with another for the purpose of committing or attempting to commit certain crimes (MCL 750.145d).
- Prohibit expunction of a domestic violence conviction, if the person had a prior domestic violence conviction.
- Revise the time period after a conviction before a person may apply for expunction.
- Require an application for expunction to include certain actions against the applicant that had been dismissed.
- Allow a nonpublic record of an expunction to be disclosed to the Department of Corrections for purposes of considering an applicant for employment.

For purposes of the offense to be set aside, "major offense" would mean a violation of a penal law of this State that is punishable by imprisonment for more than 90 days or that is designated by law to be a felony. For purposes of identifying a prior offense, "major offense" would mean a violation of a penal law of this State, of another state, or of the United States that is punishable by imprisonment for more than 90 days or is expressly designate by law to be a felony.

"Minor offense" would mean a violation of a penal law of this State, another state, an Indian tribe, or the United States that is not a major offense; an order, rule, or regulation of a State agency that is punishable by imprisonment for not more than 90 days or a fine that is not a civil fine, or both; or a substantially corresponding local ordinance, law of another state, or U.S. law that is not a major offense. The term also would include an action dismissed under various provisions of Michigan law that allow the deferral and dismissal of criminal charges under certain circumstances

MCL 780.621 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-11-11

Fiscal Analyst: Matthew Grabowski