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BILL



ANALYSIS

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Senate Bill 1295 (as introduced 9-20-12)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

Date Completed: 9-25-12

CONTENT

The bill would amend the Public Health Code to make deferral and dismissal records in drug-related cases available to the Commission on Law Enforcement Standards (COLES).

Under the Code, when an individual who has not previously been convicted of a drug-related offense pleads guilty to or is found guilty of certain controlled substance offenses, the court may defer further proceedings and place the person on probation. Upon fulfillment of the terms and conditions of probation, the court must discharge the individual and dismiss the proceedings without adjudication of guilt.

The Code requires the Department of State Police to retain a nonpublic record of an arrest and discharge or dismissal under the provisions described above. The record is available only to certain entities under specific conditions. Under the bill, the record also would be available to COLES, subject to all of the following conditions:

- The court placed the individual on probation after March 25, 2002.
- If, at the time of the request, the individual were seeking certification as a law enforcement officer, COLES could use the record to determine whether the individual met the requirements for certification.
- If the individual were certified as a law enforcement officer, COLES could use the record to determine whether the certification could be revoked under the Commission on Law Enforcement Standards Act.
- If the individual were seeking admission to a law enforcement training academy, COLES could use the record to determine whether the individual met the requirements for admission, as provided in the COLES Act.
- If the individual were seeking a waiver from the law enforcement officer minimum standards regarding training requirements, COLES could use the record to determine whether the individual met the requirements for waiver, as provided in the COLES Act.

MCL 333.7411

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bruce Baker

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