

Legislative Analysis



SET-ASIDE CONVICTIONS: EXEMPT VICTIMS FROM BAN ON NONDISCLOSURE

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House Bill 4839

Sponsor: Rep. Tom Leonard

Committee: Criminal Justice

Complete to 9-17-13

A SUMMARY OF HOUSE BILL 4839 AS INTRODUCED 6-13-13

House Bill 4839 would amend Public Act 213 of 1965, which provides for the setting aside (or expunging) of criminal convictions under certain circumstances.

Currently, with some exceptions, a person who knows or should have known that a conviction was set aside (expunged) under Section 3 of the act may not divulge, use, or publish information concerning the conviction set aside. (This does not apply to the person who petitioned to have a criminal conviction set aside.) A violation is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.

The bill would exempt a victim of the crime that had been set aside from the prohibition on disclosure and the related penalties. "Victim" would be defined to mean any individual who suffers direct or threatened physical, financial, or emotional harm as the result of the offense that was committed by the applicant.

MCL 780.213

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on local correctional systems and penal fine revenues. Information is not available on the number of victims that might have otherwise been convicted for a violation of this provision. Local governmental units would not incur costs related to county jail time and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Penal fine revenues would be decreased. Any decrease in penal fine revenues would decrease funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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