



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 723 (as introduced 1-28-16)  
Sponsor: Senator Bert Johnson  
Committee: Judiciary

Date Completed: 3-21-16

**CONTENT**

**The bill would amend the Code of Criminal Procedure to require the dismissal of charges and the expunction of records when a person was charged with a crime because of identity theft or "mistaken identity".**

Specifically, if a person were charged with a misdemeanor or a felony because another person used the charged person's identifying information or because the charges were issued as the result of mistaken identity, the erroneously issued charges would have to be dismissed. The prosecutor who issued the charges would have to request the court to dismiss the charges and give the court the reason for the dismissal.

Upon receiving the request for dismissal, the court would have to dismiss the erroneously issued charges and order that all of the records containing entries related to the person's apprehension and charging, including police reports, be expunged.

"Mistaken identity" would mean the erroneous arrest of a person for a crime because of misidentification by a witness or law enforcement, or confusion on the part of a witness or law enforcement, misinformation provided to law enforcement, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

Proposed MCL 763.12

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have a positive fiscal impact on State and local government, although the magnitude of the impact is unknown. The positive fiscal impact assumes that individuals charged with crimes due to mistaken identity would be prosecuted in the absence of the bill. A decrease in misdemeanor and felony prosecutions and convictions could free up resource demands on local court systems, community supervision, and correctional facilities. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the reduced intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year. Any associated decrease in fine revenue would reduce revenue to public libraries.

Fiscal Analyst: Ryan Bergan

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