

# HOUSE BILL No. 4176

February 10, 2015, Introduced by Reps. Lucido, Dianda, Gay-Dagnogo, Hovey-Wright, Robinson and Franz and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 26a to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

SEC. 26A. (1) IF AN INDIVIDUAL IS ARRESTED FOR ANY CRIME AND THE COMPLAINING WITNESS RECANTS HIS OR HER STATEMENT, AFFIDAVIT, OR TESTIMONY ALLEGING THAT THE INDIVIDUAL COMMITTED 1 OR MORE OFFENSES AGAINST THE WITNESS BEFORE TRIAL IS HELD IN THE MATTER, ALL OF THE FOLLOWING APPLY:

(A) THE CHARGE SHALL BE DISMISSED.

(B) THE ARREST RECORD, ALL BIOMETRIC DATA, FINGERPRINTS, AND DNA SAMPLE OR PROFILE, AND STATEMENTS OBTAINED FROM THE INDIVIDUAL SHALL BE EXPUNGED OR DESTROYED, OR BOTH, AS APPROPRIATE.

(C) ANY ENTRY CONCERNING THE CHARGE AND THE INDIVIDUAL SHALL

1 BE REMOVED FROM THE LEIN.

2 (2) THE REQUIREMENTS LISTED IN SUBSECTION (1) SHALL BE  
3 SATISFIED UPON THE ISSUANCE OF AN ORDER OF THE DISTRICT COURT OR  
4 THE CIRCUIT COURT.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.

7 Enacting section 2. This amendatory act does not take effect  
8 unless both of the following bills of the 98th Legislature are  
9 enacted into law:

10 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4177 (request no.  
11 00218'15 a).

12 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4178 (request no.  
13 00218'15 b).