

Act No. 189
Public Acts of 2020
Approved by the Governor
October 12, 2020
Filed with the Secretary of State
October 13, 2020
EFFECTIVE DATE: April 11, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Robinson, Jones, Marino, Berman, Liberati, Garza, Cynthia Johnson, Byrd, Tyrone Carter, Warren, Sneller, Brenda Carter, Gay-Dagnogo, Peterson, Sheldon Neeley, Elder, Cambensy, Brixie, Tate, Hammoud, Guerra, Kennedy, Wittenberg, Hope, Love, Coleman, Ellison, Manoogian, Lasinski, Haadsma, Anthony, Bolden, Yancey and Cherry

ENROLLED HOUSE BILL No. 5120

AN ACT to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” (MCL 780.621 to 780.624) by adding section 1f.

The People of the State of Michigan enact:

Sec. 1f. (1) If an application to set aside a conviction or convictions under section 1e is granted, the arresting agency and the department of the state police shall maintain the nonpublic record created under section 3 for use as authorized under section 3.

(2) If an application to set aside a conviction or convictions is granted under section 1e, the applicant may not thereafter seek resentencing in another criminal case the applicant was sentenced for during which the conviction or convictions at issue were used in determining an appropriate sentence for the applicant, whether or not the setting aside of the conviction or convictions would have changed the scoring of a prior record variable for purposes of the sentencing guidelines or otherwise.

(3) A party aggrieved by the ruling of the convicting court considering an application under section 1e may seek a rehearing or reconsideration under the applicable rules of the convicting court or may file an appeal with the circuit court or, if applicable, the court of appeals in accordance with the rules of those courts.

(4) The setting aside of a conviction under section 1e does not entitle the applicant to the return of any fines, costs, or fees imposed as part of the applicant’s sentence for the conviction or convictions or of any money or property forfeited by the prosecuting agency or any law enforcement agency as a result of the conduct leading to the conviction or as a result of the conviction itself.

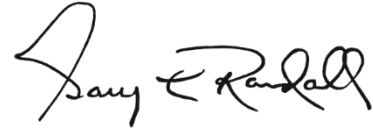
Enacting section 1. This amendatory act takes effect 180 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

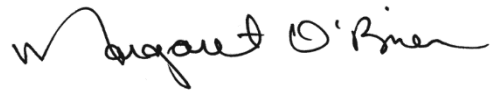
- (a) House Bill No. 4980.
- (b) House Bill No. 4981.

- (c) House Bill No. 4982.
- (d) House Bill No. 4983.
- (e) House Bill No. 4984.
- (f) House Bill No. 4985.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor