

**SUBSTITUTE FOR
HOUSE BILL NO. 5120**

A bill 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:

- 1 **Sec. 1f. (1) If an application to set aside a conviction or**
2 **convictions under section 1e is granted, the arresting agency and**
3 **the department of the state police shall maintain the nonpublic**
4 **record created under section 3 for use as authorized under section**
5 **3.**
- 6 **(2) If an application to set aside a conviction or convictions**



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

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

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

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

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

- 25 (a) House Bill No. 4980.
26 (b) House Bill No. 4981.
27 (c) House Bill No. 4982.
28 (d) House Bill No. 4983.
29 (e) House Bill No. 4984.



1 (f) House Bill No. 4985.

