



Criminal Defense Attorneys of Michigan

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March 30, 2010

To: House Committee on Judiciary

Re: House Bill 5995

On behalf of the Criminal Defense Attorneys of Michigan, I write in support of House Bill 5995.

Currently all juveniles arrested or charged with an offense that is punishable by 93 days or more in jail and/or a fine of \$1000 or more must be finger printed. Up until HB 5995, the only way a juvenile could have his or her finger prints destroyed (or prior to January 1, 2010, have them returned) was to file a motion pursuant to MCL 28.243(7)-(8) or MCR 3.9.13(c). While there is an SCAO form (MC 235) just for this purpose, many juveniles and their parents do not know they can request the fingerprints to be destroyed. Further, many of those in the juvenile justice system cannot afford to hire an attorney to file the proper motion with the court.

Juveniles are printed for more offenses than ever. At one time it was only certain, more serious offenses that required finger printing. The finger print net is now so wide that many children who committed a youthful indiscretion must be printed along with truly troubled juveniles. Many of these children receive some type of deferment, meaning the petition is dismissed if and when the child successfully completes a probationary period. The child

and family walks out of the juvenile court thinking the slate has been wiped clean. Unfortunately this is not true. The fingerprints remain in the State Police data base.

HB 5995 provides for the automatic destruction of finger prints, upon notification by the court clerk, in deferral situations. The Bill is true to the philosophy of the Juvenile Justice system which is to rehabilitate and, yes, in many ways to forgive.

I urge the House to pass HB 5995.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lynn B. D'Orio", written over a horizontal line.

Lynn B. D'Orio
Board Member
CDAM