

DIVERSION: CLOSE RECORDS TO PUBLIC INSPECTION

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Senate Bill 630 (Substitute S-1)
Sponsor: Sen. Rick Jones

Senate Bill 632 (Substitute S-1)
Sponsor: Sen. Steven Bieda

Senate Bill 631 (Substitute S-1)
Sponsor: Sen. Tonya Schuitmaker

Senate Bill 633 (Substitute S-1)
Sponsor: Sen. Virgil Smith

House Committee: Judiciary
Senate Committee: Judiciary

Complete to 4-25-12

A SUMMARY OF SENATE BILLS 630-633 AS PASSED BY THE SENATE 1-25-12

The bills would amend various acts that provide for a diversion program and the discharge and dismissal of criminal charges for certain offenses. They would specify that unless the court entered an adjudication of guilt, all proceedings regarding the disposition of the criminal charge would be closed to public inspection, but would be open to state courts, the Department of Corrections, the Department of Human Services, law enforcement personnel, and prosecuting attorneys, but only in the performance of their duties.

The bills would take effect 90 days after enactment.

Senate Bill 630 would amend Chapter 10A, entitled "Drug Treatment Courts," of the Revised Judicature Act (MCL 600.1070). The act allows a court to not enter a judgment of guilt (or adjudication of responsibility if a juvenile) if a person who is eligible for discharge and dismissal successfully completes a drug treatment court program.

Senate Bill 631 would amend the Michigan Penal Code (MCL 750.350a). Under the code, it is a criminal offense for a parent to take or retain a child for more than 24 hours from any other parent or legal guardian who has custody or parenting time rights. A first time offender may be eligible for discharge and dismissal of the charges. The bill would delete a provision requiring the Department of State Police to maintain a nonpublic record of the proceedings but requiring disclosure of the record to a court, police agency, or prosecutor for the purpose of determining if the defendant had already availed himself or herself of a discharge and dismissal and replace it with the language described above.

Senate Bill 632 would amend the Public Health Code (MCL 333.7411), which provides a discharge and dismissal for certain first-time controlled substances offenses, to delete current provisions requiring the Michigan State Police to retain a nonpublic record but requiring the disclosure of the record to certain law enforcement officials and the Department of Corrections and replace it with the language described above.

Senate Bill 633 would amend the Code of Criminal Procedure (MCL 769.4a), which allows a discharge and dismissal for a first offense of domestic violence, to delete a provision requiring a nonpublic record of the proceedings to be retained by the Michigan State Police but requiring disclosure of the record to a court, police agency, or prosecutor and replace it with the language described above.

FISCAL IMPACT:

The bills would have a minimal fiscal impact on the Department of State Police. The bills would require the department to make minor programing changes. Since those changes could be accomplished by using existing resources, any costs to do so would be minimal.

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Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.