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Senate Bill 630 (Substitute S-1 as reported)
Senate Bill 631 (Substitute S-1 as reported)
Senate Bill 632 (Substitute S-1 as reported)
Senate Bill 633 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones (S.B. 630)
 Senator Tonya Schuitmaker (S.B. 631)
 Senator Steven Bieda (S.B. 632)
 Senator Virgil Smith (S.B. 633)
Committee: Judiciary

CONTENT

The bills would amend separate statutes that offer diversion programs and dismissal from criminal charges for certain violations to 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 open to Michigan courts, the Department of Corrections, the Department of Human Services, law enforcement personnel, and prosecuting attorneys for use only in the performance of their duties.

Senate Bills 631 (S-1), 632 (S-1), and 633 (S-1) also would delete provisions requiring the Department of State Police to retain a nonpublic record of an arrest and discharge and dismissal, and allowing that record to be furnished only to certain entities under certain circumstances.

Senate Bill 630 (S-1) would amend Chapter 10A (Drug Treatment Courts) of the Revised Judicature Act, which allows a court to discharge and dismiss proceedings against a drug court participant who meets certain criteria, without entering a judgment of guilt.

Senate Bills 631 (S-1), 632 (S-1), and 633 (S-1) would amend sections of the Michigan Penal Code, the Public Health Code, and the Code of Criminal Procedure, respectively, that allow the court to place on probation and defer further proceedings against a first-time offender who pleads guilty to or is found guilty of particular offense, and to discharge the person and dismiss the proceedings, without entering a judgment of guilt, when the conditions of probation have been fulfilled.

Senate Bill 631 (S-1) would amend Section 350a of the Michigan Penal Code, which applies to parental kidnapping. Senate Bill 632 would amend Section 7411 of the Public Health Code, which pertains to certain controlled substance offenses. Senate Bill 633 (S-1) would amend Section 4a of Chapter IX of the Code of Criminal Procedure, which pertains to domestic assault.

Each of the bills would take effect 90 days after the date on which it was enacted.

MCL 600.1070 (S.B. 630)
750.350a (S.B. 631)
333.7411 (S.B. 632)
769.4a (S.B. 633)

Legislative Analyst: Patrick Affholter

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 by using existing resources. Any costs to do so would be minimal.

The bills would have no fiscal impact on the Department of Corrections or the judicial branch of government.

Date Completed: 10-5-11

Fiscal Analyst: Bruce Baker
Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.