



Senate Fiscal Agency
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House Bill 4186 (Substitute H-5 as reported without amendment)
Sponsor: Representative Stacy Erwin Oakes
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend Public Act 213 of 1965, which provides for the setting aside (or expunction) of criminal convictions, to do the following:

- Allow a person who was convicted off not more than one felony and not more than two misdemeanors to petition the convicting court to set aside the felony.
- Allow a person who was convicted of not more than two misdemeanors to petition the court to set aside one or both of those convictions.
- Require a conviction that had been deferred and dismissed under various provisions of Michigan law to be considered a misdemeanor conviction for purposes of eligibility for expunction.
- Require an application for expunction to include a list of all actions that had been deferred and dismissed.
- Prohibit expunction for certain convictions.
- Allow an expunction for fourth-degree criminal sexual conduct (CSC) only if the conviction occurred before the bill's effective date and the applicant had not been convicted of another offense except one or two minor offenses.
- Revise the provision that establishes when an application for expunction may be filed.
- Allow the Michigan Department of State Police to make available to the Department of Corrections (DOC) a nonpublic record of a conviction that had been set aside, if a person with an expunged conviction applied to the DOC for employment.
- Exempt the victim of a crime for which a conviction had been expunged from the criminal penalty for disclosing information concerning an expunged conviction.

In addition to the convictions that are ineligible for expunction under current law, the bill would prohibit convictions for the following from being set aside: second-degree child abuse; fourth-degree CSC committed after the bill's effective date; a domestic violence felony, if the offender had a prior domestic violence misdemeanor conviction; a human trafficking offense; and a terrorism offense.

MCL 780.621 & 780.623

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could result in a slight increase in cost to local courts and would have no fiscal impact on the State. To the extent that numerous expunction petitions were filed due to the bill, the courts could require additional staff resources to address the requests.

Date Completed: 12-16-14

Fiscal Analyst: John Maxwell