

# HOUSE BILL NO. 5918

March 16, 2022, Introduced by Reps. Aiyash, Puri and LaGrand and referred to the Committee on Judiciary.

A bill to regulate background check reports; to prescribe civil sanctions; and to provide for the powers and duties of certain state and local governmental officers and entities.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "background check report  
2 act".

3           Sec. 2. As used in this act:

4           (a) "Conviction" means that term as defined under section 1a  
5 of 1965 PA 213, MCL 780.621a.

1 (b) "Current information" means information that has been  
2 updated not more than 31 days before issuance of a report of a  
3 background check.

4 Sec. 3. Except as otherwise provided by law, all of the  
5 following apply to a private background check agency or an employer  
6 that prepares a report of a background check:

7 (a) The private background check agency or employer shall use  
8 current information in the report.

9 (b) A private background check agency or an employer shall not  
10 knowingly represent in the report that an individual was convicted  
11 of a criminal offense if the conviction for that criminal offense  
12 was set aside under 1965 PA 213, MCL 780.621 to 780.624, or  
13 otherwise expunged.

14 Sec. 5. A private background check agency or an employer that  
15 violates this act may be ordered to pay a civil fine of not more  
16 than \$500.00 for each violation. A violation of this act may be  
17 prosecuted by the prosecutor of the county in which the violation  
18 occurred, or by the attorney general.