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Senate Bill 1174 (as introduced 12-3-24)  
Sponsor: Senator Rosemary Bayer  
Committee: Civil Rights, Judiciary, and Public Safety

*(Senate-passed version)*

Date Completed: 12-9-24

### **CONTENT**

**The bill would amend Public Act 213 of 1965, which provides for the setting aside of convictions in certain criminal cases, to allow a Federal or State intelligence agency, the Michigan National Guard, or the National Guard of another state to access for certain purposes a nonpublic record of a conviction that was set aside.**

Among other things, the Act requires the Michigan State Police to retain a nonpublic record of an order setting aside a conviction and a record of the arrest, fingerprints, conviction, and sentence of the applicant in the case to which the order applies. Unless otherwise provided, the nonpublic record must be made available only to a court of competent jurisdiction, an agency of the judicial branch of State government, the Department of Corrections, a law enforcement agency, a prosecution attorney, the Attorney General, or the Governor upon request and only for certain purposes, such as for consideration in a licensing function of the judiciary. The bill would add a Federal or State intelligence agency, the Michigan National Guard, and the National Guard of another state to the entities that could access a nonpublic record for specific purposes.

Additionally, the bill would allow a nonpublic record to be used for the following purposes:

- For consideration of the information by an entity of the State or the United States described above for a purpose that was required by law or regulation.
- For consideration in a licensing function conducted by a department or agency of the United States.

MCL 780.623

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local governments.

Fiscal Analyst: Bruce R. Baker

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