

SUBSTITUTE FOR

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

(MCL 760.1 to 777.69) by adding section 26a to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

SEC. 26A. (1) IF AN INDIVIDUAL IS ARRESTED FOR ANY CRIME AND THE CHARGE OR CHARGES ARE DISMISSED BEFORE TRIAL, BOTH OF THE FOLLOWING APPLY:

(A) THE ARREST RECORD SHALL BE REMOVED FROM THE INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT).

(B) IF THE PROSECUTOR OF THE CASE AGREES AT ANY TIME AFTER THE CASE IS DISMISSED, OR IF THE PROSECUTOR OF THE CASE OR THE JUDGE OF

1 THE COURT IN WHICH THE CASE WAS FILED DOES NOT OBJECT WITHIN 60
2 DAYS FROM THE DATE AN ORDER OF DISMISSAL WAS ENTERED FOR CASES IN
3 WHICH THE ORDER OF DISMISSAL IS ENTERED AFTER THE EFFECTIVE DATE OF
4 THE AMENDATORY ACT THAT ADDED THIS SECTION, ALL OF THE FOLLOWING
5 APPLY:

6 (i) THE ARREST RECORD, ALL BIOMETRIC DATA, AND FINGERPRINTS
7 SHALL BE EXPUNGED OR DESTROYED, OR BOTH, AS APPROPRIATE.

8 (ii) ANY ENTRY CONCERNING THE CHARGE SHALL BE REMOVED FROM
9 LEIN.

10 (iii) UNLESS A DNA SAMPLE OR PROFILE, OR BOTH, IS ALLOWED OR
11 REQUIRED TO BE RETAINED BY THE DEPARTMENT OF STATE POLICE UNDER
12 SECTION 6 OF THE DNA IDENTIFICATION PROFILING SYSTEM ACT, 1990 PA
13 250, MCL 28.176, THE DNA SAMPLE OR PROFILE, OR BOTH, OBTAINED FROM
14 THE INDIVIDUAL SHALL BE EXPUNGED OR DESTROYED.

15 (2) THE DEPARTMENT OF STATE POLICE SHALL COMPLY WITH THE
16 REQUIREMENTS LISTED IN SUBSECTION (1) UPON RECEIPT OF AN
17 APPROPRIATE ORDER OF THE DISTRICT COURT OR THE CIRCUIT COURT.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect
21 unless all of the following bills of the 99th Legislature are
22 enacted into law:

23 (a) House Bill No. 4537.

24 (b) House Bill No. 4538.

25 (c) Senate Bill No. ____ or House Bill No. ____ (request no.
26 02766'17 c).