



# SENATE BILL No. 1170

May 25, 1994, Introduced by Senators FAXON and SMITH and  
referred to the Committee on Judiciary

A bill to amend chapter IX of Act No 175 of the Public Acts  
of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 769 1 to 769 28 of the Michigan  
Compiled Laws, by adding section 4b

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Chapter IX of Act No 175 of the Public Acts of  
2 1927, as amended, being sections 769 1 to 769 28 of the Michigan  
3 Compiled Laws, is amended by adding section 4b to read as  
4 follows

## 5 CHAPTER IX

6 SEC 4B WHEN AN INDIVIDUAL WHO HAS NOT PREVIOUSLY BEEN  
7 CONVICTED OF VIOLATING SECTION 356C, 356D, OR 356E OF THE  
8 MICHIGAN PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931,  
9 BEING SECTIONS 750 356C, 750 356D AND 750 356E OF THE MICHIGAN

1 COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING  
2 TO SECTION 356D OR 356E OF ACT NO 328 OF THE PUBLIC ACTS OF 1931  
3 PLEADS GUILTY TO OR IS FOUND GUILTY OF VIOLATING SECTION 356E OF  
4 ACT NO 328 OF THE PUBLIC ACTS OF 1931, THE COURT, WITHOUT ENTER-  
5 ING A JUDGMENT OF GUILT AND WITH THE CONSENT OF THE ACCUSED, MAY  
6 DEFER FURTHER PROCEEDINGS AND PLACE THE INDIVIDUAL ON PROBATION  
7 UPON TERMS AND CONDITIONS THAT SHALL INCLUDE, BUT ARE NOT LIMITED  
8 TO, PAYMENT OF A PROBATION SUPERVISION FEE AS PRESCRIBED IN SEC-  
9 TION 3C OF CHAPTER XI UPON VIOLATION OF A TERM OR CONDITION,  
10 THE COURT MAY ENTER AN ADJUDICATION OF GUILT AND PROCEED AS OTH-  
11 ERWISE PROVIDED UPON FULFILLMENT OF THE TERMS AND CONDITIONS,  
12 THE COURT SHALL DISCHARGE THE INDIVIDUAL AND DISMISS THE  
13 PROCEEDINGS DISCHARGE AND DISMISSAL UNDER THIS SECTION SHALL BE  
14 WITHOUT ADJUDICATION OF GUILT AND IS NOT A CONVICTION FOR PUR-  
15 POSES OF THIS SECTION OR FOR PURPOSES OF DISQUALIFICATIONS OR  
16 DISABILITIES IMPOSED BY LAW UPON CONVICTION OF A CRIME THERE  
17 MAY BE ONLY 1 DISCHARGE AND DISMISSAL UNDER THIS SECTION AS TO AN  
18 INDIVIDUAL THE RECORDS AND IDENTIFICATIONS DIVISION OF THE  
19 DEPARTMENT OF STATE POLICE SHALL RETAIN A NONPUBLIC RECORD OF AN  
20 ARREST AND DISCHARGE OR DISMISSAL UNDER THIS SECTION THIS  
21 RECORD SHALL BE FURNISHED TO A COURT OR POLICE AGENCY UPON  
22 REQUEST FOR THE PURPOSE OF SHOWING THAT A DEFENDANT IN A CRIMINAL  
23 ACTION UNDER SECTION 356E OF ACT NO 328 OF THE PUBLIC ACTS OF  
24 1931 HAS ALREADY ONCE UTILIZED THIS SECTION FOR PURPOSES OF  
25 THIS SECTION, A PERSON SUBJECTED TO A CIVIL FINE FOR A FIRST VIO-  
26 LATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO  
27 SECTION 356E OF ACT NO 328 OF THE PUBLIC ACTS OF 1931 SHALL NOT

1 BE CONSIDERED TO HAVE PREVIOUSLY BEEN CONVICTED OF AN OFFENSE  
2 UNDER THIS ARTICLE

3       Section 2    This amendatory act shall not take effect unless  
4 all of the following bills of the 87th Legislature are enacted  
5 into law

6       (a) Senate Bill No   1171

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8       (b) Senate Bill No   1169

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10       (c) Senate Bill No   1168

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12       (d) Senate Bill No   1167

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