



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 346 (Substitute S-7 as reported by the Committee of the Whole)
Sponsor: Senator Glenn D. Steil
Committee: Judiciary

CONTENT

The bill would amend Chapter XI of Public Act 288 of 1939, which governs the probate court, to require that a person who petitioned the court to have his or her name changed undergo a criminal history check; specify that a person who filed a name-change petition and had a criminal record would be presumed to be seeking a name change with a fraudulent intent and that the burden would be on the petitioner to rebut the presumption; and specify that a false statement that was intentionally included within a petition for a name change would constitute perjury under the Michigan Penal Code. The bill would take effect on October 1, 1995.

A person who was 14 years of age or older and who petitioned the probate court to have his or her name changed would have to forward two complete sets of his or her fingerprints to the local law enforcement agency, which would have to forward the fingerprints to the Department of State Police. The Department would have to compare those fingerprints with its records and forward one set to the FBI for a comparison with the FBI's records. The Department would have to report to the court the information contained in the Department's records with respect to any pending charges against the applicant or any record of conviction and similar information obtained from the FBI. The court could not act on the name change petition until the Department made its report.

If the court entered an order to change the name of a person who had a criminal record, it would have to forward the order to the central records division of the Michigan State Police and to one or more of the following: the Department of Corrections, if the person named in the order were in prison or on parole or had been imprisoned or released from parole in the immediately preceding two years; the sheriff of the county in which the person named in the order was last convicted, if the person had been incarcerated in a county jail or released from a county jail within the immediately preceding two years; and/or the probate court that had jurisdiction over the person named in the order, if he or she were under the jurisdiction of the probate court or had been discharged from the probate court's jurisdiction within the immediately preceding two years.

MCL 711.1

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government should fees for fingerprints/searches be imposed as provided by law and as required under the bill's provisions. Current costs for fingerprint searches of criminal justice records include \$24 for an FBI search and \$15 for a State Police search.

The bill would have no fiscal impact on the courts.

Date Completed: 3-28-95

Fiscal Analyst: B. Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.