

**DESTROY COURT RECORDS FOR
CERTAIN JUVENILE CASES**

House Bill 5373

Sponsor: Rep. Michael Switalski

Committee: Civil Law and the Judiciary

Complete to 9-5-02

A SUMMARY OF HOUSE BILL 5373 AS INTRODUCED 11-1-01

House Bill 5373 would amend the Juvenile Code (Chapter XIIA of the Probate Code of 1939) to permit the destruction of records of cases involving certain violations of the Michigan Vehicle Code and the Natural Resources and Environmental Protection Act after ten years. The code currently requires the “court”—i.e., the family division of circuit court—to maintain records of all cases brought before it and does not specify a date after which the records may be destroyed.

Specifically, the bill would permit the destruction of records after ten years of cases involving the following violations of the vehicle code and the natural resources act:

- manslaughter, negligent homicide, or a felony resulting from the operation of a vehicle, off road vehicle, or snowmobile;
- moving violations with criminal penalties that cause injury or death to a person working in a construction zone;
- moving violations with criminal penalties that cause injury or death to a person operating an “implement of husbandry” on a highway; (An “implement of husbandry”, as defined in the vehicle code, is a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field.)
- violations of the requirement to exhibit due care and caution when approaching a stationary authorized emergency vehicle that is giving a visual signal, when such violations cause injury or death to a police officer, firefighter, or other emergency response personnel in the immediate area of the vehicle;
- violations involving operating a vehicle while under the influence of alcohol or another controlled substance or while having a blood-alcohol content in excess of the legal limit;
- violations involving speeding in a designated work area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities; and,
- violations involving refusal to submit to a chemical test, when the refusal leads to the suspension or denial of a license.

MCL 712a.28

Analyst: J. Caver

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