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SFA**BILL ANALYSIS**

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House Bill 5277 (Substitute S-2 as reported)
Sponsor: Representative Larry Julian
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the fingerprinting law to require the destruction of the fingerprints and arrest card of a person arrested for criminal contempt for violating a domestic violence or stalking personal protection order (PPO) or a foreign protection order (a PPO issued by a court outside of Michigan) if charges were not brought or the accused were found not guilty. (Currently, if a person is arrested for a misdemeanor or a felony, his or her prints and arrest card must be destroyed if the person is not charged or is found not guilty.)

In addition, the fingerprinting law requires the court clerk, upon the final disposition of a charge, immediately to advise the Department of State Police of the disposition if the accused is convicted or a felony or a misdemeanor (or if a juvenile is adjudicated). The Department is required to record the disposition and inform the FBI director of it. The bill would delete these references to a felony or misdemeanor, and would extend the requirements to the final disposition of an arrest for an offense for which the accused was fingerprinted.

Currently, if fingerprints and an arrest card are not destroyed within 60 days after a person is found not guilty, the accused has the right to obtain an order from the court for the return of the information. The bill would delete this provision.

(Public Act 203 of 2001 amended the fingerprinting law to require the fingerprinting of a person arrested for criminal contempt for violating a PPO or foreign protection order, and to require the Department of State Police to maintain criminal history record information on people convicted in Michigan of that offense.)

MCL 28.243

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local law enforcement agencies.

Date Completed: 12-5-02

Fiscal Analyst: Bruce Baker