

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 722

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 16a of chapter IX (MCL 769.16a), as amended
by 2000 PA 220.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

1
2 Sec. 16a. (1) Except as otherwise provided in subsection
3 (3), upon final disposition of an original charge against a
4 person of a felony or a misdemeanor for which the maximum possi-
5 ble penalty exceeds 92 days' imprisonment or a local ordinance
6 for which the maximum possible penalty is 93 days' imprisonment
7 and that substantially corresponds to a violation of state law
8 that is a misdemeanor for which the maximum possible penalty is
9 93 days' imprisonment, OR A MISDEMEANOR IN A CASE IN WHICH THE
10 APPROPRIATE COURT WAS NOTIFIED THAT FINGERPRINTS WERE FORWARDED

SB0722, As Passed House, December 12, 2001

Sub. SB 722 (H-2) as amended December 11, 2001 2

1 TO THE DEPARTMENT OF STATE POLICE, OR UPON FINAL DISPOSITION OF A
2 CHARGE OF CRIMINAL CONTEMPT UNDER SECTION 2950 OR 2950A OF THE
3 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
4 600.2950A, [OR FINAL DISPOSITION OF A CHARGE OF CRIMINAL CONTEMPT
FOR VIOLATING A FOREIGN PROTECTION ORDER THAT SATISFIES THE
CONDITIONS FOR VALIDITY PROVIDED IN SECTION 2950I OF THE REVISED
JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950I,] the clerk of
the court entering the disposition shall
5 immediately ~~advise~~ REPORT TO the department of state police
6 ~~of~~ the final disposition of the charge on forms approved by the
7 state court administrator and in a manner consistent with
8 section 3 of 1925 PA 289, MCL 28.243. The report to the depart-
9 ment of state police shall include ~~information as to~~ the find-
10 ing of the judge or jury, including a finding of guilty, guilty
11 but mentally ill, not guilty, or not guilty by reason of insani-
12 ty, or the person's plea of guilty, nolo contendere, or guilty
13 but mentally ill; if the person was convicted, the offense of
14 which the person was convicted; and a summary of any sentence
15 imposed. The summary of the sentence shall include any proba-
16 tionary term; any minimum, maximum, or alternative term of
17 imprisonment; the total of all fines, costs, and restitution
18 ordered; and any modification of sentence. ~~If~~ THE REPORT SHALL
19 INCLUDE the sentence ~~is~~ IF imposed under any of the following:
20 ~~sections, the report shall so indicate:~~

21 (a) Section 7411 of the public health code, 1978 PA 368,
22 MCL 333.7411.

23 (b) Sections 11 to 15 of chapter II.

24 (c) Section 4a of chapter IX.

25 (2) Upon sentencing a person convicted of a misdemeanor or
26 of a violation of a local ordinance, other than a misdemeanor or
27 local ordinance described in subsection (1), the clerk of the

1 court imposing sentence immediately shall, if ordered by the
2 court, advise the department of state police of the conviction on
3 forms approved by the state court administrator.

4 (3) Except as otherwise provided in ~~subsection (5)~~
5 SUBSECTIONS (4) AND (6), the clerk of a court ~~is~~ SHALL not
6 ~~required to, unless ordered by the court,~~ report a conviction
7 of a misdemeanor offense ~~if either of the following applies:~~
8 ~~(a) The conviction is for a violation of section 904(3)(a) of~~
9 UNDER the Michigan vehicle code, 1949 PA 300, ~~MCL 257.904~~
10 MCL 257.1 TO 257.923, or a local ordinance substantially corre-
11 sponding to ~~section 904(3)(a) of the Michigan vehicle code, 1949~~
12 ~~PA 300, MCL 257.904. (b) A sentence of imprisonment is not~~
13 ~~imposed, except as an alternative sentence, and any fine and~~
14 ~~costs ordered total less than \$100.00.~~ A PROVISION OF THAT ACT
15 UNLESS 1 OR MORE OF THE FOLLOWING APPLY:

16 (A) THE OFFENSE IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN
17 92 DAYS.

18 (B) THE OFFENSE IS AN OFFENSE THAT WOULD BE PUNISHABLE BY
19 MORE THAN 92 DAYS AS A SECOND CONVICTION.

20 (C) A JUDGE OF THE COURT ORDERS THE CLERK TO REPORT THE
21 CONVICTION.

22 (4) UNLESS ORDERED BY THE COURT, THE CLERK OF A COURT IS NOT
23 REQUIRED TO REPORT A CONVICTION OF A MISDEMEANOR OFFENSE FOR A
24 VIOLATION OF SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949
25 PA 300, MCL 257.904, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
26 SPONDING TO SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949
27 PA 300, MCL 257.904.

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1 (5) ~~-(4)-~~ As part of the sentence for a conviction of an
2 offense described in subsection (2), IF FINGERPRINTS HAVE NOT
3 ALREADY BEEN TAKEN, the court shall order that the fingerprints
4 of the person convicted be taken and forwarded to the department
5 of state police. ~~if fingerprints have not already been taken.~~

6 (6) ~~-(5)-~~ As part of the sentence for a conviction of a
7 listed offense as defined in section 2 of the sex offenders reg-
8 istration act, 1994 PA 295, MCL 28.722, the court shall order
9 that the fingerprints of the person convicted be taken and for-
10 warded as provided in the sex offenders registration act, 1994
11 PA 295, MCL 28.721 to 28.732, if fingerprints have not already
12 been taken and forwarded as provided in that act.

13 (7) ~~-(6)- Before the expiration of~~ WITHIN 21 days after the
14 date a person licensed or registered under article 15 of the
15 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, is
16 convicted of a misdemeanor involving the illegal delivery, pos-
17 session, or use of alcohol or a controlled substance or a felony,
18 the clerk of the court entering the conviction shall report the
19 conviction to the department of consumer and industry services
20 ~~. The~~ ON A form ~~of the report shall be~~ prescribed and fur-
21 nished by ~~the~~ THAT department. ~~of consumer and industry~~
22 ~~services.~~

23 Enacting section 1. This amendatory act takes effect
24 [October] 1, 2002.

25 Enacting section 2. This amendatory act does not take
26 effect unless Senate Bill No. 721 of the 91st Legislature is
27 enacted into law.