

**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 UPON FINAL DISPOSITION OF A CHARGE OF
10 CRIMINAL CONTEMPT UNDER SECTION 2950 OR 2950A OF THE REVISED

SB 722, As Passed Senate, November 8, 2001

Senate Bill No. 722

2

1 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A,
2 the clerk of the court entering the disposition shall immediately
3 advise the department of state police of the final disposition of
4 the charge on forms approved by the state court administrator and
5 in a manner consistent with section 3 of 1925 PA 289,
6 MCL 28.243. The report to the department of state police shall
7 include information as to the finding of the judge or jury,
8 including a finding of guilty, guilty but mentally ill, not
9 guilty, or not guilty by reason of insanity, or the person's plea
10 of guilty, nolo contendere, or guilty but mentally ill; if the
11 person was convicted, the offense of which the person was con-
12 victed; and a summary of any sentence imposed. The summary of
13 the sentence shall include any probationary term; any minimum,
14 maximum, or alternative term of imprisonment; the total of all
15 fines, costs, and restitution ordered; and any modification of
16 sentence. If the sentence is imposed under any of the following
17 sections, the report shall so indicate:

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

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

21 (c) Section 4a of chapter IX.

22 (2) Upon sentencing a person convicted of a misdemeanor or
23 of a violation of a local ordinance, other than a misdemeanor or
24 local ordinance described in subsection (1), the clerk of the
25 court imposing sentence immediately shall, if ordered by the
26 court, advise the department of state police of the conviction on
27 forms approved by the state court administrator.

SB 722, As Passed Senate, November 8, 2001

Senate Bill No. 722

3

1 (3) Except as otherwise provided in subsection (5), the
2 clerk of a court is not required to, unless ordered by the court,
3 report a conviction of a misdemeanor offense if either of the
4 following applies:

5 (a) The conviction is for a violation of section 904(3)(a)
6 of the Michigan vehicle code, 1949 PA 300, MCL 257.904, or a
7 local ordinance substantially corresponding to section 904(3)(a)
8 of the Michigan vehicle code, 1949 PA 300, MCL 257.904.

9 (b) A sentence of imprisonment is not imposed, except as an
10 alternative sentence, and any fine and costs ordered total less
11 than \$100.00.

12 (4) As part of the sentence for a conviction of an offense
13 described in subsection (2), the court shall order that the fin-
14 gerprints of the person convicted be taken and forwarded to the
15 department of state police if fingerprints have not already been
16 taken.

17 (5) As part of the sentence for a conviction of a listed
18 offense as defined in section 2 of the sex offenders registration
19 act, 1994 PA 295, MCL 28.722, the court shall order that the fin-
20 gerprints of the person convicted be taken and forwarded as pro-
21 vided in the sex offenders registration act, 1994 PA 295,
22 MCL 28.721 to 28.732, if fingerprints have not already been taken
23 and forwarded as provided in that act.

24 (6) Before the expiration of 21 days after the date a person
25 licensed or registered under article 15 of the public health
26 code, 1978 PA 368, MCL 333.16101 to 333.18838, is convicted of a
27 misdemeanor involving the illegal delivery, possession, or use of

SB 722, As Passed Senate, November 8, 2001

Senate Bill No. 722

4

1 alcohol or a controlled substance or a felony, the clerk of the
2 court entering the conviction shall report the conviction to the
3 department of consumer and industry services. The form of the
4 report shall be prescribed and furnished by the department of
5 consumer and industry services.

6 Enacting section 1. This amendatory act takes effect
7 April 1, 2002.

8 Enacting section 2. This amendatory act does not take
9 effect unless Senate Bill No. 721 or House Bill No. 5277 of the
10 91st Legislature is enacted into law.