

HOUSE BILL No. 5282

October 17, 2001, Introduced by Reps. Hager, Woronchak, Vander Veen, Birkholz, Allen, Middaugh, Cassis, Newell, Shackleton, Gilbert, Jelinek, Meyer, Pumford, Richardville, Patterson, Scranton, Toy, Kuipers, Sanborn and DeVuyst and referred to the Committee on Criminal Justice.

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, the clerk of the court entering the

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

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

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

19 (c) Section 4a of chapter IX.

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

26 (3) Except as otherwise provided in subsection (5), the
27 clerk of a court is not required to, unless ordered by the court,

1 report a conviction of a misdemeanor offense if either of the
2 following applies:

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

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

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

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

22 (6) Before the expiration of 21 days after the date a person
23 licensed or registered under article 15 of the public health
24 code, 1978 PA 368, MCL 333.16101 to 333.18838, is convicted of a
25 misdemeanor involving the illegal delivery, possession, or use of
26 alcohol or a controlled substance or a felony, the clerk of the
27 court entering the conviction shall report the conviction to the

1 department of consumer and industry services. The form of the
2 report shall be prescribed and furnished by the department of
3 consumer and industry services.

4 Enacting section 1. This amendatory act does not take
5 effect unless Senate Bill No. _____ or House Bill No. 5277
6 (request no. 03641'01) of the 91st Legislature is enacted into
7 law.