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House Bill 4260 (Substitute H-2 as reported without amendment)

Sponsor: Representative Paul Condino

House Committee: Judiciary Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to require a court clerk, for any conviction he or she reported under Section 16a of the Code, immediately to report to the Michigan Department of State Police (MSP) and the Department of Corrections (DOC) if the judgment of conviction were vacated and either of the following occurred:

- -- The accusatory instrument was dismissed.
- -- The defendant was determined to be not guilty, upon retrial or by court finding, whether appellate or otherwise.

The final disposition would have to be reported on forms approved by the State Court Administrator. The MSP and the DOC immediately would have to enter the disposition into each database the Departments maintained concerning criminal convictions, and would have to remove from each database available to the public all information indicating that the person was convicted of the offense.

(Section 16a requires the court clerk to report to the MSP upon final disposition of a charge against a person of a felony or a misdemeanor for which the maximum penalty exceeds 92 days' imprisonment, and upon final disposition of various other charges. The report must include the finding of the judge or jury; the offense of which the person was convicted, if applicable; and a summary of the sentence.)

MCL 769.16a Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal impact on the courts related to reporting requirements. Reporting to the Department of State Police already occurs in most of these cases.

The bill would result in minimal additional administrative costs for the Department of Corrections.

Date Completed: 12-2-08 Fiscal Analyst: Bruce Baker

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Analysis available @ http://www.michiganlegislature.org