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BILL ANALYSIS



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Senate Bill 159 (as introduced 2-16-11)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 3-1-11

CONTENT

The bill would amend Public Act 213 of 1965, which provides for the setting aside of certain criminal convictions, to specify that a person would not be ineligible for expunction of a criminal conviction because of not more than two convictions for a "minor offense" in addition to the offense to be expunged.

Under the Act, a person who is convicted of a single offense may file an application with the convicting court for an order setting aside the conviction. An application may not be filed until at least five years after the sentencing for the conviction, or five years after completion of any term of imprisonment for the conviction, whichever is later.

Under the bill, a person who otherwise was eligible to apply for expunction would not be rendered ineligible by virtue of being convicted of not more than two minor offenses in addition to the offense for which the person filed an application.

An application for expunction must include a statement that the applicant has not been convicted of an offense other than the one sought to be set aside. Under the bill, the statement would have to indicate that the applicant had not been convicted of an offense other than the conviction sought to be set aside and not more than two minor offenses, if applicable.

"Minor offense" would mean a misdemeanor or ordinance violation for which the maximum permissible imprisonment is 90 days, for which the maximum permissible fine is \$1,000, and that is committed by a person who is not more than 21 years old.

MCL 780.621

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Matthew Grabowski

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