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Senate Bill 591 (as reported without amendment)  
Sponsor: Senator John Proos  
Committee: Families, Seniors and Human Services

### **CONTENT**

The bill would amend Public Act 213 of 1965 to allow a victim of human trafficking to have a conviction set aside under certain conditions.

The Act allows a convicted person to file an application with the convicting court to set aside the conviction, except for certain serious offenses. As a rule, a person with more than one conviction may not apply, and an application may not be filed until at least five years after the sentencing or five years after the completion of a prison term, whichever is later. The court may order the conviction set aside if it determines that the circumstances and the behavior of the applicant warrant setting aside the conviction, and that setting aside the conviction is consistent with the public welfare.

Under the bill, a person could apply to have any offense, other than first-or second-degree murder, or manslaughter, set aside if: 1) he or she committed the offense while he or she was a victim of a human trafficking violation; and 2) he or she committed the offense only because of his or her status as a victim of the human trafficking violation.

A person could file the application at any time following the date of the conviction, and could apply to have more than one conviction set aside. The application would have to include statements indicating that the two conditions described above were met.

Currently, if the offense is listed under the Sex Offenders Registration Act, the applicant is considered to have been convicted of that offense for purposes of that Act. Under the bill, this would not apply to a conviction set aside for a victim of human trafficking.

The bill would define "human trafficking" as a violation of Chapter 67A of the Michigan Penal Code. (That chapter pertains to human trafficking, and generally prohibits forced labor or services through threats, physical harm or restraint, abuse of law, blackmail, and other methods, and the use of a minor for sexually abusive activity.)

MCL 780.621 et al.

Legislative Analyst: Glenn Steffens

### **FISCAL IMPACT**

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

Date Completed: 12-9-13

Fiscal Analyst: Dan O'Connor