

HOUSE BILL No. 5218

January 9, 2014, Introduced by Reps. Santana, Shirkey, Walsh, Schor, Singh, Haveman and Robinson and referred to the Committee on Commerce.

A bill to amend 1974 PA 381, entitled

"An act to encourage and contribute to the rehabilitation of former offenders and to assist them in the assumption of the responsibilities of citizenship; to prescribe the use of the term "good moral character" or similar term as a requirement for an occupational or professional license or when used as a requirement to establish or operate an organization or facility regulated by this state; and to provide administrative and judicial procedures to contest licensing board or agency rulings thereon,"

by amending section 2 (MCL 338.42).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A judgment of guilt in a criminal prosecution or a
2 judgment in a civil action shall not be used, in and of itself, by
3 a licensing board or agency as proof of ~~a person's~~ **AN INDIVIDUAL'S**
4 lack of good moral character. ~~It may be used~~ **HOWEVER, THE LICENSING**
5 **BOARD OR AGENCY MAY USE THAT JUDGMENT** as evidence in the

determination ~~and when so used the person shall be notified and shall be~~ OF HIS OR HER GOOD MORAL CHARACTER.

(2) IF A JUDGMENT OF GUILT IN A CRIMINAL PROSECUTION IS USED AS EVIDENCE IN THE DETERMINATION OF AN INDIVIDUAL'S GOOD MORAL CHARACTER UNDER SUBSECTION (1), THE LICENSING BOARD OR AGENCY SHALL ALSO CONSIDER HIS OR HER CERTIFICATE OF EMPLOYABILITY, IF ANY, UNDER SECTION 34D OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.234D, AS EVIDENCE IN THE DETERMINATION.

(3) IF A JUDGMENT OF GUILT IN A CRIMINAL PROCEEDING OR A JUDGMENT IN A CIVIL ACTION IS USED UNDER SUBSECTION (1) AS EVIDENCE OF AN INDIVIDUAL'S LACK OF GOOD MORAL CHARACTER, THE LICENSING BOARD OR AGENCY SHALL NOTIFY THE INDIVIDUAL AND HE OR SHE IS permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she ~~seeks to be licensed~~. IS SEEKING A LICENSE.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) Senate Bill No. ____ or House Bill No. 5217 (request no. 03270'13).

(b) Senate Bill No. ____ or House Bill No. 5216 (request no. 03559'13).