

Act No. 361  
Public Acts of 2014  
Approved by the Governor  
December 16, 2014  
Filed with the Secretary of State  
December 16, 2014  
EFFECTIVE DATE: January 1, 2015

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2014**

**Introduced by Reps. Santana, Shirkey, Walsh, Schor, Singh, Haveman and Robinson**

# **ENROLLED HOUSE BILL No. 5218**

AN ACT 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:*

Sec. 2. (1) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of an individual's lack of good moral character. However, the licensing board or agency may use that judgment as evidence in the determination 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 is seeking a license.

Enacting section 1. This amendatory act takes effect January 1, 2015.

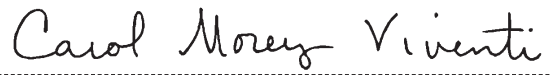
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

- (a) House Bill No. 5216.
- (b) House Bill No. 5217.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor