

SUBSTITUTE FOR
HOUSE BILL NO. 4536

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 26a to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IV

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SEC. 26A. (1) IF AN INDIVIDUAL IS ARRESTED FOR ANY CRIME AND

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THE CHARGE OR CHARGES ARE DISMISSED BEFORE TRIAL, BOTH OF THE

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FOLLOWING APPLY:

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(A) THE ARREST RECORD SHALL BE REMOVED FROM THE INTERNET

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CRIMINAL HISTORY ACCESS TOOL (ICHAT).

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(B) IF THE PROSECUTOR OF THE CASE AGREES AT ANY TIME AFTER THE

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CASE IS DISMISSED, OR IF THE PROSECUTOR OF THE CASE OR THE JUDGE OF

THE COURT IN WHICH THE CASE WAS FILED DOES NOT OBJECT WITHIN 60 DAYS FROM THE DATE AN ORDER OF DISMISSAL WAS ENTERED FOR CASES IN WHICH THE ORDER OF DISMISSAL IS ENTERED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, ALL OF THE FOLLOWING APPLY:

(i) THE ARREST RECORD, ALL BIOMETRIC DATA, AND FINGERPRINTS SHALL BE EXPUNGED OR DESTROYED, OR BOTH, AS APPROPRIATE.

(ii) ANY ENTRY CONCERNING THE CHARGE SHALL BE REMOVED FROM LEIN.

(iii) UNLESS A DNA SAMPLE OR PROFILE, OR BOTH, IS ALLOWED OR REQUIRED TO BE RETAINED BY THE DEPARTMENT OF STATE POLICE UNDER SECTION 6 OF THE DNA IDENTIFICATION PROFILING SYSTEM ACT, 1990 PA 250, MCL 28.176, THE DNA SAMPLE OR PROFILE, OR BOTH, OBTAINED FROM THE INDIVIDUAL SHALL BE EXPUNGED OR DESTROYED.

(2) THE DEPARTMENT OF STATE POLICE SHALL COMPLY WITH THE REQUIREMENTS LISTED IN SUBSECTION (1) UPON RECEIPT OF AN APPROPRIATE ORDER OF THE DISTRICT COURT OR THE CIRCUIT COURT.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

(a) House Bill No. 4537.

(b) House Bill No. 4538.

(c) Senate Bill No. ____ or House Bill No. ____ (request no. 02766'17 c).