

HOUSE BILL No. 4536

April 26, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

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:

CHAPTER IV

SEC. 26A. (1) IF AN INDIVIDUAL IS ARRESTED FOR ANY CRIME AND
THE COMPLAINING WITNESS RECANTS HIS OR HER STATEMENT, AFFIDAVIT, OR
TESTIMONY ALLEGING THAT THE INDIVIDUAL COMMITTED 1 OR MORE OFFENSES
AGAINST THE WITNESS BEFORE TRIAL IS HELD IN THE MATTER, AND THE
CHARGE IS DISMISSED BEFORE TRIAL, BOTH OF THE FOLLOWING APPLY:

(A) THE ARREST RECORD, ALL BIOMETRIC DATA, FINGERPRINTS, AND
DNA SAMPLE OR PROFILE, AND STATEMENTS OBTAINED FROM THE INDIVIDUAL
SHALL BE EXPUNGED OR DESTROYED, OR BOTH, AS APPROPRIATE.

1 (B) ANY ENTRY CONCERNING THE CHARGE AND THE INDIVIDUAL SHALL
2 BE REMOVED FROM THE LEIN.

3 (2) THE REQUIREMENTS LISTED IN SUBSECTION (1) ARE SATISFIED
4 UPON THE ISSUANCE OF AN APPROPRIATE ORDER OF THE DISTRICT COURT OR
5 THE CIRCUIT COURT.

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

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

11 (a) Senate Bill No.____ or House Bill No. 4537 (request no.
12 02766'17 a).

13 (b) Senate Bill No.____ or House Bill No. 4538 (request no.
14 02766'17 b).