

# Legislative Analysis



## **REMOVAL OR SEALING OF CRIMINAL HISTORY WHEN ACQUITTED OR NOT CHARGED**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 6255 as introduced**  
**Sponsor: Rep. Julie Calley**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 6256 as introduced**  
**Sponsor: Rep. Kyra Harris Bolden**

**Committee: Judiciary**  
**Complete to 11-30-20**

### **SUMMARY:**

House Bills 6255 and 6256 would respectively amend 1925 PA 289 and the Code of Criminal Procedure to require that arrest records be removed from the internet criminal history access tool (ICHAT) and to make certain documents nonpublic when there is an acquittal or when no charges are filed after an arrest.

Specifically, under the bills, if an individual was arrested for any crime and acquitted on the charge or charges after a trial was held, or if an individual was arrested and not charged with a crime before the expiration of the applicable period of limitation in section 24 of Chapter VII of the Code of Criminal Procedure, then both of the following would apply:

- The arrest record would have to be removed from ICHAT.
- Any other document or record generated in connection with the charge or charges in the possession of a law enforcement agency would have to be made nonpublic.

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

MCL 28.243 (HB 6255)  
MCL 764.26a (HB 6256)

### **FISCAL IMPACT:**

House Bills 6255 and 6256 would have a potentially significant fiscal impact on the Department of State Police (MSP) and on local law enforcement agencies. The department indicated that significant costs could be incurred to comply with the requirements of the bills. These would include costs for programming changes to various MSP electronic records systems (Electronic Automated Incident Capture System, the Officer Daily System, the Electronic Ticket System, the Crash Reporting System and the Statewide Record Management System) and labor costs for input responsibilities. The magnitude of these costs is presently indeterminate, and any similar costs incurred by local law enforcement agencies would be variable.

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Marcus Coffin

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.