



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 78 (as reported without amendment)
Sponsor: Senator Sylvia Santana
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would amend Public Act (PA) 213 of 1965, which provides for setting aside convictions in certain criminal cases, to do the following:

- Allow an individual to file an application with the convicting court to set aside a felony conviction currently ineligible to be set aside if the individual committed the felony before the individual was 18 years old and met certain conditions.
- Prescribe the requirements of an application.
- Require the court to review an application and approve or deny it.
- Allow an applicant to reapply one year after a denial of a previous application unless the court specified an earlier date.

MCL 780.621b et al.

BRIEF RATIONALE

Generally, PA 213 of 1965 prohibits setting aside certain convictions, such as felony convictions for crimes for which the maximum punishment is life imprisonment, among others. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, criminal records continue to affect individuals' lives permanently after exiting the corrections systems, even if they are minors at the time of conviction, regardless of the efforts these individuals may make to reform their lives. Some believe that to remedy the stigma of criminal records, those individuals should have the opportunity to apply for expungement of certain otherwise ineligible crimes if they have not reoffended in any capacity and have met other requirements.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could increase operational costs for courts if there were a significant increase in expungement requests and related expungement hearings. Some of these costs could potentially be covered by the Michigan Set Aside Fund, created by PA 193 of 2020. The Fund is accessible to the State Court Administrative Office (SCAO), upon appropriation, for operational and staffing needs associated with expungement costs. After an initial transfer of \$24.0 million from the Marijuana Registry Fund, collected fees, and subsequent appropriations, the Michigan Set Aside Fund currently has an unappropriated balance of \$7.2 million. To date, SCAO has not received an appropriation from the Fund.

Date Completed: 5-5-25

Fiscal Analyst: Michael Siracuse