

Name of committee:

Committee on Justice Initiatives

Contact person:

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Bill Number:

[HB 5213](#) (Coulouris) Criminal procedure; expunction; record expungement for certain offenders; provide for. Amends sec. 1 of [1965 PA 213](#) (MCL [780.621](#)) & repeals sec. 4 of 1965 PA 213 (MCL [780.624](#)).

Date position was adopted:

January 8, 2008

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

10 Voted for position

0 Voted against position

Position:

Support

Explanation of the position, including any recommended amendments:

The bill is deserving of support as it allows for expunction of a record with no more than one felony and two misdemeanors. Often the less advantaged in society are charged with a multiple count complaint from one criminal transaction. Though their rehabilitation has been successful, the existence of a second count and hence a second conviction currently prohibit expunction of anything. This bill will instill some fairness in the process and has wide support from all sections with an interest in this subject.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-5213>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

See above reasons for supporting this bill.

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

This is Keller permissible as this bill improves the functioning of courts in that it allows for the clearing of a criminal record where there are more than one conviction without having to resort to filing separate actions for new trials on the additional convictions.