

CRIMINAL LAW SECTION  
Respectfully submits the following position on:

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HB 5018 & HB 5019

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The Criminal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Criminal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Criminal Law Section is 2,186.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 24. The number who voted in favor to this position was 12. The number who voted opposed to this position was 5. The number who abstained was 1.

## Report on Public Policy Position

**Name of section:**

Criminal Law Section

**Contact person:**

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**Bill Numbers:**

[HB 5018](#) (Leonard) Criminal procedure, expunction; State agencies (existing), attorney general. Criminal procedure; expunction; requirement for attorney general review of a set-aside application; eliminate. Amends sec. 1 of 1965 PA 213 (MCL 780.621).

[HB 5019](#) (Johnson, J.) Juveniles, criminal procedure; Criminal procedure, expunction; State agencies (existing), attorney general. Juveniles; criminal procedure; requirement for attorney general review of a set-aside application; eliminate. Amends sec. 18e, ch. XIIIA of 1939 PA 288 (MCL 712A.18e).

**Date position was adopted:**

October 15, 2013

**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:**

24

**Number who voted in favor and opposed to the position:**

12 Voted for position

5 Voted against position

1 Abstained from vote

6 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The Section Council opposes the legislation. Discussion included the merit of the Attorney General's continued involvement in case review and set aside applications.

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?2013-HB-5018>

<http://legislature.mi.gov/doc.aspx?2013-HB-5019>

**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:**

The bills are Keller permissible because they negatively affect the functioning of the court. First, the removal of the Attorney General in this process would create a good deal of extra work for the county prosecutor. Secondly, this would affect the information flow within the court system.