

## Report on Public Policy Position

**Name of committee:**

Criminal Jurisprudence & Practice Committee

**Contact persons:**

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**Bill Number:**

[HB 5995](#) (Sheltrown) Criminal procedure; expunction; destruction of fingerprint records and arrest card for juveniles who successfully complete probation; allow. Amends sec. 3 of [1925 PA 289](#) (MCL [28.243](#)).

**Date position was adopted:**

April 26, 2010

**Process used to take the ideological position:**

Position adopted after discussion and e-vote.

**Number of members in the decision-making body:**

19

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

11 Voted for position  
4 Voted against position  
4 Did not vote

**Position:**

Support with recommended amendments

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

The committee supports the bill with the following amendments

1. An amendment allowing for the destruction of a juvenile's fingerprints and arrest card if there is a legally authorized dismissal, with a non-public, law enforcement exception for the retention of the juvenile's fingerprints and arrest card for any assaultive, criminal sexual conduct, delivery of a controlled substance or for an offense which would constitute a felony if committed by an adult.

2. An amendment to move Line 20 from Page 5 “Section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712a.2, or has had his or her alleged juvenile offense dismissed after successfully completing a period of probation.” to a new section 9(g).

With the amendments, the committee would offer its full support of the bill. Except for legitimate law enforcement purposes, it is felt that juvenile offenses that do not end up being a ‘conviction’ should be non-public, something this bill achieves.

**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?2009-HB-5995>

**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 bill affects the improvement of the functioning of the courts because it gives judges authority to order the destruction of a juvenile’s finger prints and arrest card if his or her alleged juvenile offense is dismissed after successfully completing a period of probation. It is thereby an expansion of the previously allowed destruction of finger prints and arrest cards occurring only if the juvenile was found not guilty or not to be within the provisions of Section 712A of the Probate Code.