

## Report on Public Policy Position

**Name of Committee:**

Criminal Issues Initiative

**Contact Person:**

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**Bill Number:**

[HB 5995](#) (Sheltroun) 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:**

June 7, 2010

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

Position adopted after discussion and e-vote

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

17

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

9 Voted for position  
0 Voted against position  
8 Did not vote

**Position:**

Support

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

The CII supports the proposed HB 5995 that would allow for the destruction of fingerprint records and arrest card for juveniles who successfully complete probation, with the provision that the language of the bill should contain clarification that it applies to outright dismissal of a case, and not to other dispositions the court may impose that are not a dismissal of the case but merely from the court's jurisdiction and oversight. An example of such a disposition would be a "warn and dismiss," where the court declines to take further action but it is still an adjudication of delinquency.

Support for this rule is consistent with the Committee on Justice Initiatives' priority during the coming year of addressing problems that face the criminal justice system.

**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 expands upon the previously allowed destruction of fingerprints within the provisions of Section 712A of the Probate Code.