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48933-2012

April 26, 2011

The Honorable Stacy Erwin Oakes
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Re: HB 4106 Record Expunction

Dear Representative Oakes:

At its April 8, 2011 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **support HB 4106**.

The State Bar has a long history of support for expanding the opportunity to apply for criminal record expungement that is based on a broad spectrum of recommendations from the legal community, including State Bar sections and committees. The State Bar's Criminal Jurisprudence and Practice Committee, Criminal Law Section, Justice Initiatives Committee, and Prisons and Corrections Section have all previously supported expanding the opportunity to apply for record expunction. Criminal defense attorneys, prosecutors and judges alike have supported this effort.

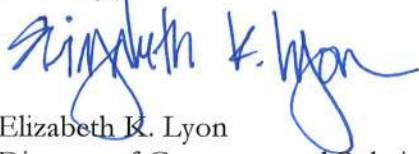
Reasons for support include:

- Individuals are able to apply for expungement based on specifically defined criteria in the sentencing court from which the conviction was imposed. A judge maintains discretion to review each case based on its individual merits.
- The ability to expunge a record allows for improved reintegration into the community for past offenders who can clearly demonstrate rehabilitation.
- Criminal convictions carry significant civil collateral consequences, such as the inability to enter military service, and denial of access to public housing or private housing (landlords will also often refuse residency to private housing based on criminal records), federal student loans and employment opportunities. Often the avenues that past offenders wish to pursue to further their lives as contributing members of society are closed due to a conviction. These prohibitions are significant to the offender but also to family members, such as children who are refused housing as a consequence of their parent's conviction.
- Often multiple criminal convictions arise from a single incident. Currently, an individual can only apply for expungement for one conviction. Increasing the opportunity for expungement could allow an individual who has been successfully rehabilitated to have a record expunged from the single incident.

The State Bar commends Representative Oakes for the introduction of this important legislation.

If you would like to discuss this position in further detail or have questions, please contact me directly at your convenience.

Sincerely,



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