

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

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Bill Number:

[HB 4106](#) (Erwin Oakes) Criminal procedure; expunction; expand record expunction for certain offenders; provide for under certain circumstances. Amends secs. 1, 3 & 4 of [1965 PA 213](#) (MCL [780.621](#) et seq.).

Date position was adopted:

February 17, 2011

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:

23

Number who voted in favor and opposed to the position:

11 Voted for position
0 Voted against position
1 Abstaining
11 Did not vote

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

It was the position of the committee that expansion and clarification of the availability to expunge one's criminal record is an appropriate response to the effect of a criminal record on one's ability to work, obtain an education and live in today's world. The committee, however, supports an amendment to the proposed legislation precluding the expungement of criminal sexual conduct crimes except for age related statutory offenses without other aggravating factors where the defendant's age is within five years of the victim's age. The committee believed this would be an appropriate response to the concerns inherent relating criminal sexual conduct offenses.

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?2011-HB-4106>

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.