

*CRIMINAL ISSUES INITIATIVE*

Respectfully submits the following position on:

\*

**HB 5238**

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The Criminal Issues Initiatives is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Issues Initiatives only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar's position on this matter is support.

The total membership of the Criminal Issues Initiatives 9.

The position was adopted after discussion at a scheduled meeting and vote. The number of members in the decision-making body is 9. The number who voted in favor to this position was 5. The number who voted opposed to this position was 0.

**Report on Public Policy Position****Name of Committee:**

Criminal Issues Initiative

**Contact persons:**

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**Bill Number:**

[HB 5238](#) (Kowall) Criminal procedure; expunction; set-aside of certain criminal records for victims of human trafficking; provide for. Amends secs. 1, 2 & 4 of [1965 PA 213](#) (MCL [780.621](#) et seq.).

**Date position was adopted:**

February 4, 2014

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

Position adopted after discussion at a scheduled meeting and vote

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

9

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

5 Voted for position  
0 Voted against position  
0 Abstained from vote  
4 Did not vote

**Position:**

Support

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

The Initiative voted to support HB 5238, while offering the suggestion that the categories of crimes expunged be broader, as in Senate Bill 0591, which allows for expungement of all crimes committed while a victim of human trafficking.

**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?2014-HB-5238>

**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 functioning of the court in the setting aside of convictions in certain criminal cases.