

CRIMINAL LAW SECTION

Respectfully submits the following position on:

*

HB 5545

*

The Criminal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Criminal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this bill.

The total membership of the Criminal Law Section is 2,186.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 27. The number who voted in favor to this position was 21. The number who voted opposed to this position was 0. The number who abstained from voting was 0.

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

Criminal Law Section

Contact person:

Stephen Gobbo

E-Mail:

sgobbo@gobbolaw.com

Bill Number:

[HB 5545](#)(Leonard) Criminal procedure, expunction; Records, other. Criminal procedure; expunction; criminal record expunction for certain offenses; allow under certain circumstances. Amends secs. 1, 3 & 4 of 1965 PA 213 (MCL 780.621 et seq.).

Date position was adopted:

May 20, 2014

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:

27

Number who voted in favor and opposed to the position:

21 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Support

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-5545>

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:

The bill is Keller permissible in the availability of legal services to society. The ability to expunge a record allows for improved reintegration into the community for past offenders who can clearly demonstrate rehabilitation.