



Report on Public Policy Position

Name of Section:

Criminal Law Section

Contact Person:

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Bill Number:

HB 4327 (Waters) Criminal procedure; expunction; record expungement for certain offenders; provide for. Amends sec. 1 of [1965 PA 213](#) (MCL [780.621](#)) & repeals sec. 4 of 1965 PA 213 (MCL [780.624](#)).

Date position was adopted:

March 15, 2005

Process used to take the ideological position:

Legislative proposal reviewed and discussed. Motion to support passed with one vote in opposition

Number of members in the decision-making body:

18

Number who voted in favor and opposed to the position:

17 - 1

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

Support HB 4327

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4327>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:
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Arguments for the position:

None reported.

Arguments against the position (if any):

None reported.

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

To date, the State Bar of Michigan does not have a position on HB 4327. However, the following SBM position is relevant: Active support for a bill that expands expungement to include 2 misdemeanors, except for domestic violence or violence against persons under the age of 18.

Fiscal implications of the recommended policy to the State Bar of Michigan:

None reported.

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:

Not provided.