



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

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:

3/17/05

Process used to take the ideological position:

Committee meeting

Number of members in the decision-making body:

10

Number who voted in favor and opposed to the position:

Unanimous support

Position:

The committee supports this much needed revision to the expungement statute and would urge that an even broader bill be recommended that would give judges more discretion in this area.

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>

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

The collateral consequences of a criminal conviction are numerous and sometimes devastating to people for their entire lives. Deportation, lack of access to public housing and jobs are just some of these consequences, which can stem from convictions that are so far removed in time as to be meaningless. It is critical that there is a meaningful process in place for expunging criminal convictions.

Arguments against the position (if any):

None

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.

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 (adopted June 2004).

Active Opposition to lengthening the time to expunge a felony (adopted April 2005).

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

None

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 competence, and the integrity of the profession.

Keller- permissible explanation:

Allowing judges some latitude is an important first step to improving the functioning of the courts so that justice can be achieved for those being detrimentally and forever harmed by the system as it currently exists.