



## Report on Public Policy Position

**Name of Section:**

Prisons and Corrections Section

**Contact Person:**

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**Bill Number:**

HB 6532 (Condino) Criminal procedure; records; criminal conviction overturned based on DNA evidence; provide for deletion of record. Amends sec. 16a, ch. IX of 1927 PA 175 (MCL 769.16a).

**Date position was adopted:**

November 4, 2006

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

Discussion and vote at a Council meeting

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

15

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

8 in favor, 0 opposed

**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 6532

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/\(S\(xusx5g452mcwb555hfsyoa21\)\)/mileg.aspx?page=getObject&objectName=2006-HB-6532](http://www.legislature.mi.gov/(S(xusx5g452mcwb555hfsyoa21))/mileg.aspx?page=getObject&objectName=2006-HB-6532)

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:**

**Arguments for the position:**

Assigns responsibility; creates a workable procedure for deleting an overturned conviction.

**Arguments against the position (if any):**

The procedure should extend to all overturned convictions, not just those overturned based on DNA evidence.

**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.**

On November 17, 2006, the Board of Commissioners of the State Bar of Michigan unanimously voted to support in principle. The scope of the bill should be expanded to any conviction finally reversed.

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

None stated.

**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:**

None stated.