

Legislative Analysis



ALLOW VICTIMS OF HUMAN TRAFFICKING TO EXPUNGE PROSTITUTION CONVICTIONS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5025

Sponsor: Rep. Kurt Heise

Committee: Criminal Justice

Complete to 1-22-14

A SUMMARY OF HOUSE BILL 5025 AS INTRODUCED 10-1-13

The bill would allow a victim of human trafficking to expunge multiple convictions under the prostitution statutes and would also exempt the victim from registration as a sex offender if an expunged conviction was for a crime requiring registration.

House Bill 5025, which is part of the broader package of legislation addressing the issue of human trafficking, would amend Public Act 213 of 1965, which establishes the criteria for expungement of certain criminal convictions. Currently, a person may apply to have one felony or one misdemeanor conviction set aside (expunged) if the person has no other convictions. An exception is made for a person who has no more than two misdemeanor convictions for minor offenses committed as a youth. Certain crimes, such as rape or murder, are not allowed to be set aside.

Under the bill, a person 16 years of age or older convicted of certain prostitution-related crimes could have one or more of those convictions set aside if the offense or offenses were committed while the person was a victim of a human trafficking violation and the offense or offenses were committed only because of the person's status as a victim of that human trafficking violation.

An application for expungement could be filed at any time following the date of the conviction for a violation of Sec. 448 (soliciting, accosting, or enticing prostitution), Sec. 449 (admitting another to a place of prostitution), and/or Sec. 450 (aiding, assisting, or abetting prostitution) of the Michigan Penal Code.

The application would have to include, in addition to other information required under PA 213, a statement that the person was a victim of a human trafficking violation and that the conviction or convictions sought to be set aside were committed while a victim of human trafficking and because of being a victim of a human trafficking violation.

If the conviction set aside as detailed above was for a listed offense under the Sex Offenders Registration Act, the applicant would not be considered to have been convicted of that offense for purposes of registering under that act.

"Human trafficking" is defined to mean a violation of Chapter LXVIIA, entitled "Human Trafficking," of the Michigan Penal Code.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the judiciary system. The fiscal impact would be related to increased caseloads for some courts, and would depend on the number of applications the courts receive for orders to set aside convictions.

The bill would not have a significant impact on the Michigan State Police.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko
Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.