



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 5025 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Kurt Heise

House Committee: Criminal Justice

Senate Committee: Families, Seniors and Human Services

**CONTENT**

The bill would amend Public Act 213 of 1965, which provides for the setting aside of criminal convictions, to allow a victim of human trafficking to have a conviction set aside under certain conditions.

Specifically, a person could apply to have a conviction for a violation of Section 448, 449, or 450 of the Michigan Penal Code set aside if he or she committed the offense as a direct result of his or her being a victim of a human trafficking violation. A person could file the application at any time following the conviction, and could apply to have more than one conviction set aside.

(Sections 448, 449, and 450 of the Penal Code pertains to certain prostitution offenses.)

If a person were applying to have one or more convictions set aside under the bill, the application would have to include a statement that the applicant committed the offense as a direct result of his or her being a victim of a human trafficking violation and a statement of facts that supported his or her contention that the conviction was a direct result of his or her being a victim of human trafficking.

If the applicant proved this to the court by a preponderance of the evidence, and the court determined that the circumstances and behavior of the applicant from the date of the conviction to the filing of the application warranted setting aside the conviction, and that setting aside the conviction was consistent with the public welfare, the court could order the conviction set aside.

The bill would take effect 90 days after its enactment. It is tie-barred to House Bill 5234, which would revise Chapter 67A (Human Trafficking) of the Penal Code.

MCL 780.621 et al.

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill would have no fiscal impact on State government. The fiscal cost to local government would be from any additional resources required by the court to process any applications for conviction expungement.

Date Completed: 10-2-14

Fiscal Analyst: John Maxwell