

**SFA**

BILL ANALYSIS

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Senate Fiscal Agency

Lansing, Michigan 48909

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Mich. State Law Library

**House Bill 4584 (as reported without amendment)****Sponsor: Representative Debbie Farhat****House Committee: Judiciary****Senate Committee: Judiciary****Date Completed: 12-16-87*****RATIONALE***

Michigan law allows a person who has had one criminal conviction (except for a felony punishable by life or a traffic offense) after a period of at least five years (or completion of a prison sentence if more than five years), to apply to the court to have his or her criminal record expunged. The law on criminal record expungement requires the State Police to maintain a nonpublic record on each expunged conviction. This nonpublic record may be made available only to certain authorities for certain purposes. For instance, courts may obtain the record to consider in sentencing for a subsequent conviction, and the Board of Law Examiners may obtain a record for consideration in a licensure matter. The State Police and other law enforcement agencies argue that law enforcement agencies should be able to screen applicants for prior convictions, even if those convictions have been expunged. The State Police cite as an example a recent state trooper applicant who was charged with murder and convicted of manslaughter, and had the conviction expunged. Law enforcement agencies urge that the expungement law be amended so that they may ascertain whether any of their job applicants have had criminal convictions and use that information in evaluating applicants.

committed a crime. The expunged conviction record should not be available to an employer, even if that employer is a law enforcement agency.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

***CONTENT***

The bill would amend Public Act 213 of 1965, which requires the State Police to maintain a nonpublic record of each conviction that has been set aside, to allow a law enforcement agency to obtain a record for consideration if a person whose conviction had been set aside applied for employment with the agency.

MCL 780.623

***FISCAL IMPACT***

The bill would have no fiscal impact on State or local government.

***ARGUMENTS******Supporting Argument***

A position in law enforcement carries exceptional responsibilities, and a person's criminal record, even if expunged, should be available to law enforcement agencies considering that person for employment. Under Michigan's Civil Rights Act, it is not discriminatory to consider a person's record of convictions.

***Opposing Argument***

The expungement law provides relief for a person who has committed only one crime in a lifetime, and frees that person from the stigma attached to having once erred and