



**House
Legislative
Analysis
Section**

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**DISCHARGE AND DIMISSAL
RECORDS**

House Bill 4859

Sponsor: Rep. Larry Julian

Committee: Criminal Justice

Complete to 10-5-01

A SUMMARY OF HOUSE BILL 4859 AS INTRODUCED 5-31-01

The Public Health Code grants a court the discretion to place a person on probation for a first offense involving the possession of a controlled substance or for a second offense of possessing an imitation controlled substance. If the person fulfills the terms and conditions of his or her probation, the court is required to discharge the individual and dismiss the proceedings. However, a nonpublic record of the arrest and discharge is kept by the Records and Identifications Division of the Department of State Police and furnished to a court or police agency to show that a defendant in a criminal action involving the possession or use of a controlled substance has already made use of this provision.

House Bill 4859 would amend the code to allow for the release of a record of arrest and dismissal under this provision to the Department of Corrections (DOC), upon request, subject to the following conditions:

- If, at the time of the arrest, the individual was an employee, or an applicant for employment, of the DOC.
- If the individual were a DOC employee, the date on which the court placed the individual on probation would have to have occurred after the effective date of the bill.
- The record could only be used by the DOC to determine whether or not an employee violated his or her conditions of employment or whether an applicant met the criteria for employment.

MCL 333.7411

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