

Senate Bill 479

(As amended December 11, 2001)

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 16a of chapter IX (MCL 769.16a), as amended
by 2000 PA 220.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

1
2 Sec. 16a. (1) Except as otherwise provided in subsection
3 (3), upon final disposition [of an original charge against a
4 person] of a felony or a misdemeanor for which the maximum possi-
5 ble penalty exceeds 92 days' imprisonment or a local ordinance
6 for which the maximum possible penalty is 93 days' imprisonment
7 and that substantially corresponds to a violation of state law
8 that is a misdemeanor for which the maximum possible penalty is
9 93 days' imprisonment, OR A MISDEMEANOR IN A CASE IN WHICH THE
10 APPROPRIATE COURT WAS NOTIFIED THAT FINGERPRINTS WERE FORWARDED

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1 TO THE DEPARTMENT OF STATE POLICE, the clerk of the court
2 [entering the disposition] shall immediately ~~advise~~ REPORT TO
3 the department of state police ~~of~~ the final disposition of the
4 charge on forms approved by the state court administrator and in
5 a manner consistent with section 3 of 1925 PA 289, MCL 28.243.
6 The report to the department of state police shall include
7 ~~information as to~~ the finding of the judge or jury, including a
8 finding of guilty, guilty but mentally ill, not guilty, or not
9 guilty by reason of insanity, or the person's plea of guilty,
10 nolo contendere, or guilty but mentally ill; if the person was
11 convicted, the offense of which the person was convicted; and a
12 summary of any sentence imposed. The summary of the sentence
13 shall include any probationary term; any minimum, maximum, or
14 alternative term of imprisonment; the total of all fines, costs,
15 and restitution ordered; and any modification of sentence. ~~If~~
16 THE REPORT SHALL INCLUDE the sentence ~~is~~ IF imposed under any
17 of the following: ~~sections, the report shall so indicate:~~
18 (a) Section 7411 of the public health code, 1978 PA 368,
19 MCL 333.7411.
20 (b) Sections 11 to 15 of chapter II.
21 (c) Section 4a of chapter IX.
22 (2) Upon sentencing a person convicted of a misdemeanor or
23 of a violation of a local ordinance, other than a misdemeanor or
24 local ordinance described in subsection (1), the clerk of the
25 court imposing sentence immediately shall, if ordered by the
26 court, advise the department of state police of the conviction on
27 forms approved by the state court administrator.

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1 (3) Except as otherwise provided in [~~subsection (5)~~ SUBSECTIONS
2 (4) AND (6)], the
3 clerk of a court ~~is~~ SHALL not ~~required to, unless ordered by~~
4 ~~the court,~~ report a conviction of a misdemeanor offense ~~if~~
5 ~~either of the following applies: (a) The conviction is for a~~
6 ~~violation of section 904(3)(a) of~~ UNDER the Michigan vehicle
7 code, 1949 PA 300, ~~MCL 257.904~~ MCL 257.1 TO 257.923, or a local
8 ordinance substantially corresponding to ~~section 904(3)(a) of~~
9 ~~the Michigan vehicle code, 1949 PA 300, MCL 257.904. (b) A sen-~~
10 ~~tence of imprisonment is not imposed, except as an alternative~~
11 ~~sentence, and any fine and costs ordered total less than~~
12 ~~\$100.00. A PROVISION OF THAT ACT UNLESS 1 OR MORE OF THE FOLLOW-~~

13 (A) THE OFFENSE IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN
14 92 DAYS.

15 (B) THE OFFENSE IS AN OFFENSE THAT WOULD BE PUNISHABLE BY
16 MORE THAN 92 DAYS AS A SECOND CONVICTION.

17 (C) A JUDGE OF THE COURT ORDERS THE CLERK TO REPORT THE
18 CONVICTION.

 [(4) UNLESS ORDERED BY THE COURT, THE CLERK OF A COURT IS NOT
REQUIRED TO REPORT A CONVICTION OF A MISDEMEANOR OFFENSE FOR A
VIOLATION OF SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949 PA
300, MCL 257.904, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
TO SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
257.904.]

19 [(5) ~~(4)~~] As part of the sentence for a conviction of an
20 offense
21 described in subsection (2), IF FINGERPRINTS HAVE NOT ALREADY
22 BEEN TAKEN, the court shall order that the fingerprints of the
23 person convicted be taken and forwarded to the department of
24 state police. ~~if fingerprints have not already been taken.~~

25 [(6) ~~(5)~~] As part of the sentence for a conviction of a listed
26 offense as defined in section 2 of the sex offenders registration
27 act, 1994 PA 295, MCL 28.722, the court shall order that the
fingerprints of the person convicted be taken and forwarded as

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1 provided in the sex offenders registration act, 1994 PA 295,
2 MCL 28.721 to 28.732, if fingerprints have not already been taken
3 and forwarded as provided in that act.

4 [(7) (6)] ~~Before the expiration of~~ WITHIN 21 days after the
date

5 a person licensed or registered under article 15 of the public
6 health code, 1978 PA 368, MCL 333.16101 to 333.18838, is con-
7 victed of a misdemeanor involving the illegal delivery, posses-
8 sion, or use of alcohol or a controlled substance or a felony,
9 the clerk of the court entering the conviction shall report the
10 conviction to the department of consumer and industry services
11 ~~. The ON A form of the report shall be~~ prescribed and fur-
12 nished by ~~the~~ THAT department. ~~of consumer and industry~~
13 ~~services.~~

14 Enacting section 1. This amendatory act does not take
15 effect unless Senate Bill No. 478
16 of the 91st Legislature is enacted into
17 law.

[Enacting section 2. This amendatory act takes effect April 1,
2002.]