

# Legislative Analysis

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## **PRIOR CONVICTION OF A LISTED OFFENSE: ALLOW AS EVIDENCE OF CHARACTER**

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**House Bill 4937**

**Sponsor: Rep. David Law**

**Committee: Judiciary**

**Complete to 6-21-05**

### **A SUMMARY OF HOUSE BILL 4937 AS INTRODUCED 6-14-05**

In general, in a trial of a criminal case, references are not allowed to be made to the fact that the defendant has committed other offenses. However, there are a limited number of statutory and judicial exceptions to this rule. Under Michigan law, for example, evidence of a defendant's other bad acts may be admissible in a criminal trial if it shows the defendant's 1) motive; 2) intent; 3) the absence of a mistake or accident; or 4) a scheme, plan, or system in doing an act.

House Bill 4937 would add a new section to the Code of Criminal Procedure to add another exception. Notwithstanding the exception detailed above, the bill would allow evidence that an individual had previously been convicted of a listed offense (crimes which require registration as a sex offender) committed against a minor to be admissible as evidence of the individual's character in any other criminal proceeding in which the individual has been alleged to have committed a listed offense against a minor.

"Minor" would be defined as a person less than 18 years of age. "Listed offense" would mean that term as defined in Section 2 of the Sex Offenders Registration Act.

MCL 768.27a

### **FISCAL IMPACT:**

The bill would have no direct fiscal impact on the judiciary or on state or local correctional systems. However, if increased numbers of felony or misdemeanor convictions were obtained as a result of the bill, state or local correctional costs could increase accordingly.

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