

**SUBSTITUTE FOR
HOUSE BILL NO. 4260**

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
2005 PA 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 16a. (1) Except as otherwise provided in subsection (3),
upon final disposition of an original charge against a person of a
felony or a misdemeanor for which the maximum possible penalty
exceeds 92 days' imprisonment or a local ordinance for which the
maximum possible penalty is 93 days' imprisonment and that
substantially corresponds to a violation of state law that is a
misdemeanor for which the maximum possible penalty is 93 days'
imprisonment, or a misdemeanor in a case in which the appropriate
court was notified that fingerprints were forwarded to the

1 department of state police, or upon final disposition of a charge
2 of criminal contempt under section 2950 or 2950a of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or
4 final disposition of a charge of criminal contempt for violating a
5 foreign protection order that satisfies the conditions for validity
6 provided in section 2950i of the revised judicature act of 1961,
7 1961 PA 236, MCL 600.2950i, the clerk of the court entering the
8 disposition shall immediately report to the department of state
9 police the final disposition of the charge on forms approved by the
10 state court administrator and in a manner consistent with section 3
11 of 1925 PA 289, MCL 28.243. The report to the department of state
12 police shall include the finding of the judge or jury, including a
13 finding of guilty, guilty but mentally ill, not guilty, or not
14 guilty by reason of insanity, or the person's plea of guilty, nolo
15 contendere, or guilty but mentally ill; if the person was
16 convicted, the offense of which the person was convicted; and a
17 summary of any sentence imposed. The summary of the sentence shall
18 include any probationary term; any minimum, maximum, or alternative
19 term of imprisonment; the total of all fines, costs, and
20 restitution ordered; and any modification of sentence. The report
21 shall include the sentence if imposed under any of the following:

22 (a) Section 7411 of the public health code, 1978 PA 368, MCL
23 333.7411.

24 (b) Section 1076(4) of the revised judicature act of 1961,
25 1961 PA 236, MCL 600.1076.

26 (c) Section 350a of the Michigan penal code, 1931 PA 328, MCL
27 750.350a.

1 (d) Section 430 of the Michigan penal code, 1931 PA 328, MCL
2 750.430.

3 (e) Sections 11 to 15 of chapter II.

4 (f) Section 4a of chapter IX.

5 (2) Upon sentencing a person convicted of a misdemeanor or of
6 a violation of a local ordinance, other than a misdemeanor or local
7 ordinance described in subsection (1), the clerk of the court
8 imposing sentence immediately shall, if ordered by the court,
9 advise the department of state police of the conviction on forms
10 approved by the state court administrator.

11 (3) Except as otherwise provided in subsections (4) and (6),
12 the clerk of a court shall not report a conviction of a misdemeanor
13 offense under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
14 257.923, or a local ordinance substantially corresponding to a
15 provision of that act unless 1 or more of the following apply:

16 (a) The offense is punishable by imprisonment for more than 92
17 days.

18 (b) The offense is an offense that would be punishable by more
19 than 92 days as a second conviction.

20 (c) A judge of the court orders the clerk to report the
21 conviction.

22 (4) Unless ordered by the court, the clerk of a court is not
23 required to report a conviction of a misdemeanor offense for a
24 violation of section 904(3)(a) of the Michigan vehicle code, 1949
25 PA 300, MCL 257.904, or a local ordinance substantially
26 corresponding to section 904(3)(a) of the Michigan vehicle code,
27 1949 PA 300, MCL 257.904.

1 (5) As part of the sentence for a conviction of an offense
2 described in this section, if fingerprints have not already been
3 taken, the court shall order that the fingerprints of the person
4 convicted be taken and forwarded to the department of state police.

5 (6) As part of the sentence for a conviction of a listed
6 offense as defined in section 2 of the sex offenders registration
7 act, 1994 PA 295, MCL 28.722, the court shall order that the
8 fingerprints of the person convicted be taken and forwarded as
9 provided in the sex offenders registration act, 1994 PA 295, MCL
10 28.721 to ~~28.732~~ **28.736**, if fingerprints have not already been
11 taken and forwarded as provided in that act.

12 (7) Within 21 days after the date a person licensed or
13 registered under article 15 of the public health code, 1978 PA 368,
14 MCL 333.16101 to 333.18838, is convicted of a misdemeanor involving
15 the illegal delivery, possession, or use of alcohol or a controlled
16 substance or a felony, the clerk of the court entering the
17 conviction shall report the conviction to the department of
18 ~~consumer and industry services~~ **COMMUNITY HEALTH** on a form
19 prescribed and furnished by that department.

20 **(8) FOR ANY CONVICTION THAT WAS REPORTED AS PROVIDED IN THIS**
21 **SECTION, THE CLERK OF THE COURT ENTERING A SUBSEQUENT FINAL**
22 **DISPOSITION IN THE CASE SHALL IMMEDIATELY REPORT TO THE DEPARTMENT**
23 **OF STATE POLICE AND THE DEPARTMENT OF CORRECTIONS IF THE JUDGMENT**
24 **OF CONVICTION IS VACATED AND EITHER THE ACCUSATORY INSTRUMENT IS**
25 **DISMISSED OR UPON RETRIAL OR BY COURT FINDING, WHETHER APPELLATE OR**
26 **OTHERWISE, THE DEFENDANT IS DETERMINED TO BE NOT GUILTY. THE FINAL**
27 **DISPOSITION SHALL BE REPORTED ON FORMS APPROVED BY THE STATE COURT**

1 ADMINISTRATOR. THE DEPARTMENT OF STATE POLICE AND DEPARTMENT OF
2 CORRECTIONS SHALL IMMEDIATELY ENTER THE DISPOSITION INTO EACH
3 DATABASE THEY MAINTAIN CONCERNING CRIMINAL CONVICTIONS AND SHALL
4 REMOVE ALL INFORMATION INDICATING THAT THE PERSON WAS CONVICTED OF
5 THE OFFENSE FROM EACH OF THOSE DATABASES THAT IS AVAILABLE TO THE
6 PUBLIC.