



Senate Fiscal Agency
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Senate Bill 1254 (Substitute S-1 as reported)
Sponsor: Senator Ed McBroom
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Section 1c of Public Act 213 of 1965, which provides for setting aside convictions in certain criminal cases, to specify that a provision prohibiting the setting aside of a conviction for operating while intoxicated would not apply to a conviction for a first violation operating while intoxicated offense, subject to an exception.

Section 1c specifies that a person may not apply to have set aside, and a judge may not set aside, a conviction for certain traffic offenses, including a conviction for operating while intoxicated by any person.

Under the bill, the prohibition on setting aside a conviction for operating while intoxicated would not apply to a conviction for a first violation operating while intoxicated offense. However, a conviction for a first violation operating while intoxicated offense that could be set aside upon application would not be eligible for and could not be set aside without application.

The bill would take effect on April 11, 2021.

MCL 780.621c

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill likely would not have a noticeable fiscal impact on local court systems. While the bill likely would result in additional expungement filings across the State, it is assumed these filings would not flood the local court systems with additional administrative costs and hearing requests. There are several fees associated with the expungement process (\$50 to the Michigan State Police (MSP) for a background check, \$10 to \$15 to MSP for fingerprints, \$10 to the Internet Criminal History Access Tool), but no filing fees that go to a Judiciary restricted fund.

The bill likely would not have a fiscal impact on State government.

Date Completed: 12-9-20

Fiscal Analyst: Michael Siracuse