



Senate Fiscal Agency
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Senate Bill 1254 (as introduced 12-3-20)
Sponsor: Senator Ed McBroom
Committee: Judiciary and Public Safety

Date Completed: 12-7-20

CONTENT

The bill would amend Section 1c of Public Act 213 of 1965, which provides for setting aside convictions in certain criminal cases, to modify a provision prohibiting the setting aside of a conviction for certain traffic offenses.

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 the following:

- A conviction for operating while intoxicated by any person.
- Any traffic that causes injury or death.

Instead, under the bill, a person could not apply to have set aside, and a judge could not set aside, a conviction for the following traffic offenses:

- A violation of Section 625(4) or (5) of the Michigan Vehicle Code or a violation of Section 625 punishable as provided under Section 625(9)(b) or (c) by any person.
- Any traffic offense not described above that caused injury or death.

(Sections 625(4) and (5), respectively, prescribe the offenses of operating a motor vehicle while intoxicated that causes the death of another person and operating a motor vehicle while intoxicated that causes a serious impairment of a body function another person. Under Section 625(9)(b), if a person is convicted of operating a motor vehicle while intoxicated and the violation occurs within seven years of a prior conviction, the person must be sentenced to pay a fine of not less than \$200 or more than \$1,000 and to one or both of the following: a) imprisonment for not less than five days or more than one year, at least 48 hours of which must be served consecutively or b) community service for not less than 30 days or more than 90 days. Under Section 524(9)(c), if the violation occurs after two or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500 or more than \$5,000 and to either of the following: a) imprisonment under the jurisdiction of the Department of Corrections for not less than one year or more than five years or b) probation and imprisonment in a county jail for not less than 30 days or more than one year and community service for not less than 60 days or more than 180 days. At least 48 hours of the imprisonment must be served consecutively.)

MCL 780.621c

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill likely would not have a noticeable fiscal impact on local court systems. The bill would remove the blanket prohibition on the expungement of certain driving under the influence offenses but would keep in place the prohibition on expungement for those offenses that caused death or serious injury and repeated offenses that fell within a prescribed term of years. While the bill probably 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 the 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 have no fiscal impact on State government.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.