

# SENATE BILL NO. 1254

December 03, 2020, Introduced by Senator MCBROOM and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1965 PA 213, entitled

"An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,"

by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1c. (1) A person shall not apply to have set aside, and a  
2 judge shall not set aside, a conviction for any of the following:

1 (a) A felony for which the maximum punishment is life  
2 imprisonment or an attempt to commit a felony for which the maximum  
3 punishment is life imprisonment.

4 (b) A violation or attempted violation of section 136b(3),  
5 136d(1)(b) or (c), 145c, 145d, 520c, 520d, or 520g of the Michigan  
6 penal code, 1931 PA 328, MCL 750.136b, 750.136d, 750.145c,  
7 750.145d, 750.520c, 750.520d, and 750.520g.

8 (c) A violation or attempted violation of section 520e of the  
9 Michigan penal code, 1931 PA 328, MCL 750.520e, if the conviction  
10 occurred on or after January 12, 2015.

11 (d) The following traffic offenses:

12 (i) A ~~conviction for operating while intoxicated~~ **violation of**  
13 **section 625(4) or (5) of the Michigan vehicle code, 1949 PA 300,**  
14 **MCL 257.625, or a violation of section 625 of the Michigan vehicle**  
15 **code, 1949 PA 300, MCL 257.625, punishable as provided under**  
16 **section 625(9)(b) or (c) of the Michigan vehicle code, 1949 PA 300,**  
17 **MCL 257.625, by any person.**

18 (ii) Any traffic offense committed by an individual with an  
19 indorsement on his or her operator's or chauffeur's license to  
20 operate a commercial motor vehicle that was committed while the  
21 individual was operating the commercial motor vehicle or was in  
22 another manner a commercial motor vehicle violation.

23 (iii) Any traffic offense **not described in subparagraph (i)** that  
24 causes injury or death.

25 (e) A felony conviction for domestic violence, if the person  
26 has a previous misdemeanor conviction for domestic violence.

27 (f) A violation of former section 462i or 462j or chapter  
28 LXVIIIA or chapter LXXXIII-A of the Michigan penal code, 1931 PA  
29 328, MCL 750.462a to 750.462h and 750.543a to 750.543z.

1           (2) The prohibition on the setting aside of the convictions  
2 under subsection (1) upon application also applies to the setting  
3 aside of convictions without application under section 1g.

4           (3) An order setting aside a conviction for a traffic offense  
5 under this act must not require that the conviction be removed or  
6 expunged from the applicant's driving record maintained by the  
7 secretary of state as required under the Michigan vehicle code,  
8 1949 PA 300, MCL 257.1 to 257.923.