



To: Members of the Public Policy Committee
Board of Commissioners

From: Janet Welch, Executive Director
Peter Cunningham, Director of Governmental Relations
Kathryn L. Hennessey, Public Policy Counsel

Date: May 7, 2019

Re: Good Moral Character; HB 4488 (Iden) and HB 4489 (Bellino)

Background

HB 4488 is a reintroduction of a bill from last session (HB 6110 of 2018) that proposes amending MCL 338.41 to 338.47 to establish criteria for when a licensing board could consider a criminal conviction or judgement in a civil action as evidence in determining an applicant’s good moral character. MCL 338.41 to 338.47 are cited in the Revised Judicature Act (RJA) under MCL 600.934 in defining “good moral character” for admission to the bar. Therefore, standing alone, HB 4488 of 2019 (and HB 6110 of 2018, as introduced) would prevent the Board of Law Examiners (BLE) from considering criminal convictions or civil judgments in determining whether an applicant had good moral character to practice law.

1. Previous State Bar Action: HB 6110 of 2018

In 2018, the State Bar of Michigan, the State Court Administrative Office, and the BLE shared the position that HB 6110 should not apply to the legal profession because the licensing of attorneys is the exclusive domain of the Supreme Court through the BLE.

Although HB 6110 was not signed into law last session, it was amended during the legislative process to include an explicit exemption for the licensing of attorneys.

2. Current Bills Under Consideration: HB 4488 and HB 4489

HB 4488 does not include an explicit exemption for the legal profession; instead, the legislators introduced HB 4489 to amend the RJA to give the BLE exclusive authority to determine good moral character for law license applicants and explicitly provide that MCL 338.41 to 338.47 do not apply to the BLE’s determination of good moral character.

As introduced, HB 4489 is tie-barred to HB 4488. This means that HB 4489, which would establish that the BLE’s exclusive authority to define good moral character for the legal profession, could not become law unless HB 4488 is also signed into law. HB 4488 is not tie-barred to HB 4489, which means that HB 4488 can become law and apply to the legal profession. In the latter situation, HB

4488 could be interpreted to apply to the BLE’s good moral character evaluation and prevent the BLE from considering criminal convictions and civil judgments in its determination.

***Keller* Considerations**

HB 4489 meets *Keller* requirements because it explicitly concerns the regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

HB 4488 also meets the *Keller* requirements. If HB 4488 is enacted without HB 4489, HB 4488 would likely apply to the legal profession and directly impact the regulation of the legal profession.

***Keller* Quick Guide**

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER <i>KELLER</i>:	
Regulation of Legal Profession	Improvement in Quality of Legal Services
As interpreted by AO 2004-1 <ul style="list-style-type: none">✓ Regulation and discipline of attorneys• Ethics✓ Lawyer competency✓ Integrity of the Legal Profession• Regulation of attorney trust accounts	<ul style="list-style-type: none">• Improvement in functioning of the courts• Availability of legal services to society

Staff Recommendation

Both bills satisfy the requirements of *Keller* and may be considered on their merits.

House Bill 4488 (2019) rss?

Friendly Link: <http://legislature.mi.gov/doc.aspx?2019-HB-4488>

Sponsors

Brandt Iden (district 61)

Rebekah Warren, David LaGrand, Eric Leutheuser, John Chirkun, Sherry Gay-Dagnogo,
William Sowerby

(click name to see bills sponsored by that person)

Categories

Occupations: individual licensing and registration; Occupations: other; State agencies (existing):
licensing and regulatory affairs; State agencies (existing): boards and commissions;

Occupations; individual licensing and registration; use of criminal record to determine eligibility
for occupational licensing; restrict. Amends title & secs. 1, 2, 3, 4, 5, 6 & 7 of 1974 PA 381 (MCL
338.41 et seq.).

Bill Documents

Bill Document Formatting Information

[x]

The following bill formatting applies to the 2019-2020 session:

- New language in an amendatory bill will be shown in **BOLD AND UPPERCASE**.
- Language to be removed will be ~~stricken~~.
- Amendments made by the House will be blue with square brackets, such as: [House amended text].
- Amendments made by the Senate will be red with double greater/less than symbols, such as: <<Senate amended text>>.

(gray icons indicate that the action did not occur or that the document is not available)

Documents



House Introduced Bill

Introduced bills appear as they were introduced and reflect no subsequent amendments or changes.



As Passed by the House

As Passed by the House is the bill, as introduced, that includes any adopted House amendments.



As Passed by the Senate

As Passed by the Senate is the bill, as received from the House, that includes any adopted Senate amendments.



House Enrolled Bill

Enrolled bill is the version passed in identical form by both houses of the Legislature.

Bill Analysis

History

(House actions in lowercase, Senate actions in UPPERCASE)

Date ▲	Journal	Action
4/23/2019	HJ 37 Pg. 416	introduced by Representative Brandt Iden
4/23/2019	HJ 37 Pg. 416	read a first time

4/23/2019 HJ 37 Pg. 416 referred to Committee on Regulatory Reform
4/24/2019 HJ 38 Pg. 427 bill electronically reproduced 04/23/2019

The Michigan Legislature Website is a free service of the Legislative Internet Technology Team in cooperation with the Michigan Legislative Council, the Michigan House of Representatives, and the Michigan Senate. The information obtained from this site is not intended to replace official versions of that information and is subject to revision. The Legislature presents this information, without warranties, express or implied, regarding the accuracy of the information, timeliness, or completeness. If you believe the information is inaccurate, out-of-date, or incomplete or if you have problems accessing or reading the information, please send your concerns to the appropriate agency using the online Comment Form in the bar above this text.

HOUSE BILL No. 4488

April 23, 2019, Introduced by Reps. Iden, Warren, LaGrand, Leutheuser, Chirkun, Gay-Dagnogo and Sowerby and referred to the Committee on Regulatory Reform.

A bill to amend 1974 PA 381, entitled

"An act to encourage and contribute to the rehabilitation of former offenders and to assist them in the assumption of the responsibilities of citizenship; to prescribe the use of the term "good moral character" or similar term as a requirement for an occupational or professional license or when used as a requirement to establish or operate an organization or facility regulated by this state; and to provide administrative and judicial procedures to contest licensing board or agency rulings thereon,"

by amending the title and sections 1, 2, 3, 4, 5, 6, and 7 (MCL 338.41, 338.42, 338.43, 338.44, 338.45, 338.46, and 338.47), section 2 as amended by 2014 PA 361.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to encourage and contribute to the rehabilitation of former offenders and to assist them in the assumption of the responsibilities of citizenship; to ~~prescribe the use of~~ **DEFINE** the term "good moral character" ~~or similar term~~ **AND ESTABLISH HOW GOOD**

1 **MORAL CHARACTER IS DETERMINED WHEN USED** as a requirement for an
 2 occupational or professional license or when used as a requirement
 3 to establish or operate an organization or facility regulated by
 4 this state; and to provide administrative and judicial procedures
 5 to contest licensing board or agency rulings ~~thereon.~~**CONCERNING AN**
 6 **INDIVIDUAL'S GOOD MORAL CHARACTER.**

7 Sec. 1. (1) The phrase "good moral character", ~~or words of~~
 8 ~~similar import,~~ when used as a requirement for an occupational or
 9 professional license or when used as a requirement to establish or
 10 operate an organization or facility regulated by this state in ~~the~~
 11 ~~Michigan Compiled Laws~~**A STATUTE OF THIS STATE** or administrative
 12 rules promulgated under ~~these laws shall be construed to mean~~**A**
 13 **STATUTE OF THIS STATE, MEANS** the propensity on the part of ~~the~~
 14 ~~person~~**AN INDIVIDUAL** to serve the public in the licensed area in a
 15 fair, honest, and open manner.

16 (2) As used in this act: ~~,"principal~~

17 **(A) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE**
 18 **FOR WHICH THE OFFENDER MAY BE PUNISHED BY IMPRISONMENT FOR MORE**
 19 **THAN 1 YEAR OR AN OFFENSE EXPRESSLY DESIGNATED BY LAW AS A FELONY.**

20 **(B) "LICENSE" INCLUDES A REGISTRATION.**

21 **(C) "LICENSING BOARD OR AGENCY" MEANS A PRINCIPAL DEPARTMENT,**
 22 **OR A BOARD OR AGENCY WITHIN A PRINCIPAL DEPARTMENT, THAT ISSUES**
 23 **OCCUPATIONAL OR PROFESSIONAL LICENSES.**

24 **(D) "PRINCIPAL department"** means ~~the~~**A department which**~~THAT~~
 25 has jurisdiction over ~~the~~**A LICENSING** board or agency.~~issuing the~~
 26 ~~license.~~

27 Sec. 2. ~~(1) A judgment of guilt in a criminal prosecution or a~~

1 ~~judgment in a civil action shall not be used, in and of itself, by~~
2 ~~a licensing board or agency as proof of an individual's lack of~~
3 ~~good moral character. However, the licensing board or agency may~~
4 ~~use that judgment as evidence in the determination of his or her~~
5 ~~good moral character.~~

6 (1) A LICENSING BOARD OR AGENCY SHALL NOT CONSIDER A JUDGMENT
7 IN A CIVIL ACTION AGAINST AN INDIVIDUAL AS EVIDENCE OF HIS OR HER
8 LACK OF GOOD MORAL CHARACTER.

9 (2) A LICENSING BOARD OR AGENCY SHALL NOT CONSIDER AN
10 INDIVIDUAL'S CRIMINAL CONVICTION, IN AND OF ITSELF, AS CONCLUSIVE
11 PROOF OF HIS OR HER LACK OF GOOD MORAL CHARACTER. A LICENSING BOARD
12 OR AGENCY MAY ONLY CONSIDER AN INDIVIDUAL'S CRIMINAL CONVICTION AS
13 EVIDENCE IN THE DETERMINATION OF HIS OR HER GOOD MORAL CHARACTER IF
14 THE LICENSING BOARD OR AGENCY FINDS THAT ALL OF THE FOLLOWING ARE
15 MET:

16 (A) THE INDIVIDUAL'S CRIMINAL RECORD INCLUDES A CONVICTION FOR
17 A FELONY.

18 (B) THE TYPE OF FELONY OF WHICH THE INDIVIDUAL WAS CONVICTED
19 IS CODIFIED AS A DISQUALIFYING OFFENSE IN THE APPLICABLE
20 OCCUPATIONAL OR PROFESSIONAL LICENSING STATUTE.

21 (C) THE LICENSING BOARD OR AGENCY CONCLUDES THAT THE SPECIFIC
22 OFFENSE OF WHICH THE INDIVIDUAL WAS CONVICTED HAS A DIRECT AND
23 SPECIFIC NEGATIVE EFFECT ON HIS OR HER ABILITY TO PERFORM THE
24 DUTIES AUTHORIZED BY THE OCCUPATIONAL OR PROFESSIONAL LICENSE.

25 (D) THE LICENSING BOARD OR AGENCY DETERMINES THAT THE STATE'S
26 INTEREST IN PROTECTING PUBLIC SAFETY IS SUPERIOR TO THE
27 INDIVIDUAL'S RIGHT TO PURSUE THE OCCUPATION OR PROFESSION, BASED ON

1 CLEAR AND CONVINCING EVIDENCE THAT ALL OF THE FOLLOWING ARE MET:

2 (i) THE SPECIFIC OFFENSE OF WHICH THE INDIVIDUAL WAS CONVICTED
3 IS SUBSTANTIALLY RELATED TO THE STATE'S INTEREST IN PROTECTING
4 PUBLIC SAFETY.

5 (ii) THE INDIVIDUAL, BASED ON THE NATURE OF THE OFFENSE FOR
6 WHICH HE OR SHE WAS CONVICTED AND ON ANY ADDITIONAL INFORMATION
7 PROVIDED BY THE LICENSEE UNDER SUBSECTION (3), IS MORE LIKELY TO
8 COMMIT A SUBSEQUENT OFFENSE BECAUSE HE OR SHE HAS THE OCCUPATIONAL
9 OR PROFESSIONAL LICENSE THAN IF HE OR SHE DOES NOT HAVE THE
10 OCCUPATIONAL OR PROFESSIONAL LICENSE.

11 (iii) A SUBSEQUENT OFFENSE COMMITTED WITH THE AID OF THE
12 OCCUPATIONAL OR PROFESSIONAL LICENSE WILL CAUSE GREATER HARM TO THE
13 PUBLIC THAN IT WOULD IF THE INDIVIDUAL DID NOT HAVE THE
14 OCCUPATIONAL OR PROFESSIONAL LICENSE.

15 (3) ~~(2) If a judgment of guilt in a criminal prosecution is~~
16 ~~used as evidence in the determination of an individual's good moral~~
17 ~~character under subsection (1), the~~ **A** licensing board or agency
18 shall also consider ~~his or her~~ **AN INDIVIDUAL'S** certificate of
19 employability, if any, under section 34d of the corrections code of
20 1953, 1953 PA 232, MCL 791.234d, ~~as evidence in the determination.~~
21 **AND ANY ADDITIONAL INFORMATION ABOUT HIS OR HER CURRENT**
22 **CIRCUMSTANCES, SUCH AS HOW LONG AGO THE OFFENSE OCCURRED, WHETHER**
23 **HE OR SHE COMPLETED THE SENTENCE FOR THE OFFENSE, OTHER EVIDENCE OF**
24 **REHABILITATION, TESTIMONIALS, EMPLOYMENT HISTORY, AND EMPLOYMENT**
25 **ASPIRATIONS AS EVIDENCE IN THE DETERMINATION OF AN INDIVIDUAL'S**
26 **GOOD MORAL CHARACTER UNDER SUBSECTION (2).**

27 (4) ~~(3) If a judgment of guilt in a criminal proceeding or a~~

1 ~~judgment in a civil action~~ **CRIMINAL CONVICTION** is used under
 2 subsection ~~(1)~~ **(2)** as evidence of an individual's lack of good
 3 moral character, the licensing board or agency shall notify the
 4 individual and he or she is permitted to rebut the evidence by
 5 showing that at the current time he or she has the ability to, and
 6 is likely to, serve the public in a fair, honest, and open manner,
 7 that he or she is rehabilitated, or that ~~the substance of the~~
 8 ~~former offense is not reasonably related to the occupation or~~
 9 ~~profession for which he or she is seeking a license.~~ **THE CRITERIA**
 10 **UNDER SUBSECTION (2) HAVE NOT BEEN MET.**

11 Sec. 3. (1) ~~The following criminal records shall not be used,~~
 12 ~~examined, or requested by a~~ **A** licensing board or agency **SHALL NOT**
 13 **USE, EXAMINE, OR REQUEST ANY OF THE FOLLOWING CRIMINAL RECORDS** in
 14 **MAKING** a determination of good moral character ~~when used~~ **FOR USE** as
 15 a requirement to establish or operate an organization or facility
 16 regulated by this state ~~, or pursuant to~~ **FOR PURPOSES OF**
 17 occupational or professional licensure:

18 (a) Records of an arrest **THAT IS** not followed by a conviction.

19 (b) Records of a conviction ~~which~~ **THAT** has been reversed or
 20 vacated, including the arrest records relevant to that conviction.

21 (c) Records of an arrest or conviction for a misdemeanor or a
 22 felony unrelated to the ~~person's~~ **INDIVIDUAL'S** likelihood to serve
 23 the public in a fair, honest, and open manner.

24 (d) Records of an arrest or conviction for a misdemeanor for
 25 the conviction of which ~~a person~~ **AN INDIVIDUAL** may not be
 26 incarcerated in a jail or prison.

27 (2) A criminal record shall not be furnished to a licensing

1 board or agency except by the principal department, and shall be
 2 furnished only after the director of the principal department or a
 3 ~~person~~**AN INDIVIDUAL** designated by the director has determined that
 4 the information to be provided to the board or agency meets the
 5 criteria set forth in this section.

6 (3) The director or a ~~person~~**AN INDIVIDUAL** designated by the
 7 director of the principal department shall promulgate rules for
 8 each licensing board or agency under that department's jurisdiction
 9 ~~which~~**THAT** prescribe the offenses or categories of offenses ~~which~~
 10 **THAT** the department considers indicate a ~~person~~**AN INDIVIDUAL** is
 11 not likely to serve the public as a licensee **OR REGISTRANT** in a
 12 fair, honest, and open manner. Each licensing board or agency may
 13 make recommendations to the director regarding the rules ~~to be~~
 14 ~~promulgated.~~**DESCRIBED IN THIS SUBSECTION.** The rules shall ~~MUST~~ be
 15 consistent with this act and promulgated ~~pursuant to Act No. 306 of~~
 16 ~~the Public Acts of 1969, as amended, being sections 24.201 to~~
 17 ~~24.315 of the Michigan Compiled Laws. Prior to~~**UNDER THE**
 18 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
 19 **24.328. BEFORE** the promulgation of the rules pertaining to a board
 20 or agency, ~~all felonies shall be considered by the~~**A** board or
 21 agency **SHALL CONSIDER ALL FELONIES** to be relevant to the ability or
 22 likelihood ~~the person~~**THAT AN INDIVIDUAL** will serve the public in a
 23 fair, honest, and open manner.

24 Sec. 4. This act ~~shall not bar~~**DOES NOT PROHIBIT** the use by a
 25 licensing board or agency in its determination of a ~~person's~~
 26 ~~fitness,~~**AN INDIVIDUAL'S GOOD MORAL CHARACTER** of any other public
 27 record ~~,~~**THAT IS** not related to **HIS OR HER** arrest, ~~or~~ prosecution,

1 **OR CONVICTION** or **THE USE** of any other source of unbiased and
2 accurate information.

3 Sec. 5. ~~When a person is found to be unqualified~~ **IF A**
4 **LICENSING BOARD OR AGENCY DETERMINES THAT AN INDIVIDUAL IS NOT**
5 **ELIGIBLE** for a license because of a lack of good moral character,
6 ~~or similar criteria, the person shall be furnished by the board or~~
7 agency **SHALL PROVIDE THE INDIVIDUAL** with a statement to this
8 effect. The statement shall contain a complete record of the
9 evidence ~~upon~~ **ON** which the determination was based. ~~The person~~
10 ~~shall be entitled, as of right, to~~ **A LICENSING BOARD OR AGENCY MUST**
11 **PROVIDE AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION AN OPPORTUNITY**
12 **FOR** a rehearing on the issue before the board **OR AGENCY** if he or
13 she has relevant evidence ~~not previously considered,~~ regarding his
14 or her qualifications **THAT WAS NOT PREVIOUSLY CONSIDERED.**

15 Sec. 6. ~~A person,~~ **AN INDIVIDUAL WHO IS** aggrieved by a
16 licensing **BOARD OR** agency ~~or board determination regarding the~~
17 ~~person's possession of~~ **HIS OR HER** good moral character, if
18 unsatisfied by his or her administrative ~~appeal as provided in~~
19 **REMEDY UNDER** section 5, may bring an action in circuit court for a
20 review of the record. If, in the opinion of the circuit court, the
21 record does not disclose a lack of good moral character, as defined
22 ~~in~~ **DETERMINED UNDER** this act, the court shall ~~so state and shall~~
23 order the board **OR AGENCY** to issue the license ~~,~~ when **THE**
24 **INDIVIDUAL MEETS** all other licensing requirements. ~~are complied~~
25 ~~with.~~

26 Sec. 7. This act does not affect the power of a licensing
27 **BOARD OR** agency to discipline licensees under its jurisdiction for

1 prohibited acts of professional misconduct or dishonesty.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.

House Bill 4489 (2019) rss?

Friendly Link: <http://legislature.mi.gov/doc.aspx?2019-HB-4489>

Sponsors

Joseph Bellino (district 17)

Brandt Iden, Rebekah Warren, David LaGrand, Sherry Gay-Dagnogo, William Sowerby
(click name to see bills sponsored by that person)

Categories

Occupations: attorneys; Occupations: individual licensing and registration; State agencies (existing): boards and commissions;

Occupations; attorneys; qualifications for admission to state bar; clarify good moral character requirement. Amends sec. 934 of 1961 PA 236 (MCL 600.934). TIE BAR WITH: HB 4488'19

Bill Documents

Bill Document Formatting Information

[x]

The following bill formatting applies to the 2019-2020 session:

- New language in an amendatory bill will be shown in **BOLD AND UPPERCASE**.
- Language to be removed will be ~~stricken~~.
- Amendments made by the House will be blue with square brackets, such as: [House amended text].
- Amendments made by the Senate will be red with double greater/lesser than symbols, such as: <<Senate amended text>>.

(gray icons indicate that the action did not occur or that the document is not available)

Documents



House Introduced Bill

Introduced bills appear as they were introduced and reflect no subsequent amendments or changes.



As Passed by the House

As Passed by the House is the bill, as introduced, that includes any adopted House amendments.



As Passed by the Senate

As Passed by the Senate is the bill, as received from the House, that includes any adopted Senate amendments.



House Enrolled Bill

Enrolled bill is the version passed in identical form by both houses of the Legislature.

Bill Analysis

History

(House actions in lowercase, Senate actions in UPPERCASE)

Date ▲	Journal	Action
4/23/2019	HJ 37 Pg. 417	introduced by Representative Joseph Bellino
4/23/2019	HJ 37 Pg. 417	read a first time
4/23/2019	HJ 37 Pg. 417	referred to Committee on Regulatory Reform
4/24/2019	HJ 38 Pg. 427	bill electronically reproduced 04/23/2019

The Michigan Legislature Website is a free service of the Legislative Internet Technology Team in cooperation with the Michigan Legislative Council, the Michigan House of Representatives, and the Michigan Senate. The information obtained from this site is not intended to replace official versions of that information and is subject to revision. The Legislature presents this information, without warranties, express or implied, regarding the accuracy of the information, timeliness, or completeness. If you believe the information is inaccurate, out-of-date, or incomplete or if you have problems accessing or reading the information, please send your concerns to the appropriate agency using the online Comment Form in the bar above this text.

HOUSE BILL No. 4489

April 23, 2019, Introduced by Reps. Bellino, Iden, Warren, LaGrand, Gay-Dagnogo and Sowerby and referred to the Committee on Regulatory Reform.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 934 (MCL 600.934), as amended by 2004 PA 558.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 934. (1) ~~A person~~**AN INDIVIDUAL** is qualified for
2 admission to the bar of this state ~~who~~**IF HE OR SHE** proves to the
3 satisfaction of the board of law examiners that he or she is a
4 ~~person~~**AN INDIVIDUAL** of good moral character, is 18 years of age or
5 older, has the required general education, learning in the law, and
6 fitness and ability to enable him or her to practice law in the
7 courts of record of this state, and that he or she intends in good
8 faith to practice or teach law in this state. Additional
9 requirements concerning the qualifications for admission are

1 contained in subsequent sections of this chapter. ~~As used in this~~
2 ~~subsection, "good moral character" means good moral character as~~
3 ~~defined and determined under 1974 PA 381, MCL 338.41 to 338.47.~~ **FOR**
4 **PURPOSES OF THIS SUBSECTION, GOOD MORAL CHARACTER IS DETERMINED BY**
5 **THE BOARD OF LAW EXAMINERS AND 1974 PA 381, MCL 338.41 TO 338.47,**
6 **DOES NOT APPLY TO THAT DETERMINATION.**

7 (2) ~~A person~~ **AN INDIVIDUAL** may elect to use the multi-state
8 bar examination scaled score that ~~the person~~ **HE OR SHE** achieved on
9 a multi-state bar examination administered in another state or
10 territory when applying for admission to the bar of this state, but
11 only if all of the following ~~occur~~: **ARE MET:**

12 (a) The score that the ~~person~~ **INDIVIDUAL** elects to use was
13 achieved on a multi-state examination administered within the 3
14 years immediately preceding the multi-state bar examination in this
15 state for which the ~~person~~ **INDIVIDUAL** would otherwise sit.

16 (b) The ~~person~~ **INDIVIDUAL** achieved a passing grade on the bar
17 examination of which the multi-state examination the score of which
18 the ~~person~~ **INDIVIDUAL** elects to use was a part.

19 (c) The multi-state examination the score of which the ~~person~~
20 **INDIVIDUAL** elects to use was administered in a state or territory
21 that ~~accords the~~ **PROVIDES A** reciprocal right to elect to use the
22 score achieved on the multi-state examination administered in this
23 state to Michigan residents **WHO ARE** seeking admission to the bar of
24 that state or territory.

25 (d) The ~~person~~ **INDIVIDUAL** earns a grade on the essay portion
26 of the bar examination that when combined with the transferred
27 multi-state scaled score constitutes a passing grade for that bar

1 examination.

2 (e) The ~~person~~**INDIVIDUAL** otherwise meets all requirements for
3 admission to the bar of this state.

4 (3) The state board of law examiners shall disclose to a
5 ~~person electing~~**AN INDIVIDUAL WHO ELECTS** under subsection (2) to
6 transfer the multi-state bar examination scaled score achieved on
7 an examination administered in another state or territory the score
8 the ~~person~~**INDIVIDUAL** achieved as soon as that score is received by
9 the board regardless of whether the ~~person~~**INDIVIDUAL** could have
10 obtained that score in the jurisdiction in which the examination
11 was administered. This subsection does not require disclosure by
12 the board of the score achieved on a multi-state bar examination
13 administered in another state or territory until the scores
14 achieved on that examination administered in Michigan are released.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. _____ or House Bill No. 4488 (request no.
19 00446'19) of the 100th Legislature is enacted into law.