

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE  
Respectfully submits the following position on:

\*

HB 4176

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to oppose the bill as written, but support the concept of expungement of criminal files of people who have been found not guilty or have their charges dropped in appropriate cases.

The total membership of the Criminal Jurisprudence & Practice Committee is 18.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 12. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice

**Contact persons:**

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**Bill Numbers:**

[HB 4176](#) (Lucido) Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require. Amends [1927 PA 175](#) (MCL [760.1](#) - [777.69](#)) by adding sec. 26a to ch. IV.

**Date position was adopted:**

March 12, 2015

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

18

**Number who voted in favor and opposed to the position:**

12 Voted for position

0 Voted against position

1 Abstained from vote

5 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The committee voted 12 in favor with 1 abstention to oppose the bill. It fails to consider other evidence that may be used to prove the case.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2015-HB-4176>

**FOR LEGISLATIVE ISSUES ONLY:**

**This position falls within the following Keller-permissible category:**

- The regulation and discipline of attorneys**
- ✓ **The improvement of the functioning of the courts**
- The availability of legal services to society**
- The regulation of attorney trust accounts**
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.**

**Keller-permissible explanation:**

The committee agreed that the bill was Keller permissible because it affect the functioning of the courts in that they would possibly create more hearings and affect the docket. The bill requires the court to dismiss a case if certain situations apply, without consideration of other evidence or judicial discretion.