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Stephan W. Currie, Executive Director

June 11, 2020

Sen. Peter Lucido, chairman
Senate Judiciary and Public Safety Committee
201 Townsend St.
Lansing, MI 48933

Dear Chairman Lucido and Members of the Committee,

The Michigan Association of Counties (MAC) appreciates the efforts of all the bill sponsors, agency leaders and advocates who have worked on the expungement bill package. Smart criminal justice reform is generally supported by county commissioners, especially projects that remove barriers to access stable employment opportunities.

Despite this, it is important for the committee to consider some logistical and practical application questions to properly implement an automatic system. MAC has not been included in the development with state departments as the Senate updated this bill for the automatic process. Therefore, some logistics between the state and local systems must still be addressed. We are hopeful further dialogue will help to address such concerns. Until then, however, MAC cannot support House Bill 4980 at this time.

Items of concern to consider:

- HB 4980 requires certain records in the Michigan State Police (MSP) database to be set aside after a period of seven or 10 years. Nothing in the bill requires MSP to then transfer, preferably in electronic real-time, a notification to the local court that these records are sealed. The local courts are the ultimate keeper of the records and are not connected to the MSP database. Therefore, the record would still be accessible through the court or county clerk. Many courts allow for online record access, as well as in person review, and this access would still be available to the public because courts will have no notification that MSP determined an individual's charge or charges met the criteria to set aside a conviction.
- HB 4980 requires the Department of Technology, Management and Budget (DTMB) to develop and maintain a computer program for setting convictions aside. However, it is not clear if that design will integrate with existing local court ones. Some county court systems are more sophisticated, and it may require complex modifications, depending on the ultimate decisions of DTMB. There is no bill language to ensure a DTMB system will take local systems into consideration or provide any funding that may be required if changes were necessary.
- Lastly, the bill is silent as to whether there will be an expectation of a one-time historical cleanup and on what timeline. If that is an expectation, courts would again need certainty of notification of the state-determined set asides. Would such a requirement be included for systems that do not have digitized records, therefore requiring additional staff and resources for this project?

Until these concerns are addressed, MAC cannot support the legislation in current form. We look forward to working with the committee to find workable solutions to these issues.

Respectfully,

Meghann Keit, Governmental Affairs Associate