



# HOUSE BILL No. 5946

September 26, 2000, Introduced by Rep. Patterson and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 1993 PA 85.

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

CHAPTER IX

1  
2       Sec. 16a. (1) Except as otherwise provided in subsection  
3 (3), upon final disposition ~~of an original charge against a~~  
4 ~~person~~ of a felony or a misdemeanor punishable by imprisonment  
5 for more than 92 days OR A MISDEMEANOR IN A CASE IN WHICH THE  
6 APPROPRIATE COURT WAS NOTIFIED THAT FINGERPRINTS WERE FORWARDED  
7 TO THE DEPARTMENT OF STATE POLICE, the clerk of the court  
8 ~~entering the disposition~~ shall immediately ~~advise~~ REPORT TO  
9 the department of state police ~~of~~ the final disposition of the  
10 charge on forms approved by the state court administrator. The

1 report to the department of state police shall include  
2 ~~information as to~~ the finding of the judge or jury, including a  
3 finding of guilty, guilty but mentally ill, not guilty, or not  
4 guilty by reason of insanity, or the person's plea of guilty,  
5 nolo contendere, or guilty but mentally ill; if the person was  
6 convicted, the offense of which the person was convicted; and a  
7 summary of any sentence imposed. The summary of the sentence  
8 shall include any probationary term; any minimum, maximum, or  
9 alternative term of imprisonment; the total of all fines, costs,  
10 and restitution ordered; and any modification of sentence. ~~If~~  
11 THE REPORT SHALL INCLUDE the sentence ~~is~~ IF imposed under any  
12 of the following: ~~sections, the report shall so indicate:~~

13 (a) Section 7411 of the public health code, ~~Act No. 368 of~~  
14 ~~the Public Acts of 1978, being section 333.7411 of the Michigan~~  
15 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7411.

16 (b) Sections 11 to 15 of chapter II.

17 (c) Section 4a of chapter IX.

18 (2) Except as otherwise provided in subsection (3), upon  
19 sentencing of a person convicted of a misdemeanor or of a viola-  
20 tion of a local ordinance substantially corresponding to state  
21 law, the clerk of the court imposing sentence immediately shall  
22 advise the department of state police of the conviction on forms  
23 approved by the state court administrator. The clerk of a court  
24 is not required to report a conviction under this subsection if  
25 the clerk is required to report the conviction under  
26 subsection (1).

1       (3) ~~Except as otherwise provided in subsection (5), the~~  
2 THE clerk of a court ~~is not required to and~~ shall not ~~, unless~~  
3 ~~ordered by a judge of the court,~~ report a conviction of a misde-  
4 meanor offense ~~if either of the following apply:~~ (a) The con-  
5 viction ~~is~~ under the Michigan vehicle code, ~~Act No. 300 of the~~  
6 ~~Public Acts of 1949, being sections 257.1 to 257.923 of the~~  
7 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923, or  
8 under a local ordinance substantially corresponding to a provi-  
9 sion of ~~Act No. 300 of the Public Acts of 1949, unless the~~ THAT  
10 ACT UNLESS 1 OR MORE OF THE FOLLOWING APPLY:

11       (A) THE offense is punishable by imprisonment for more than  
12 92 days. ~~or~~

13       (B) THE OFFENSE is an offense which would be punishable by  
14 more than 92 days as a second conviction.

15       ~~(b) A sentence of imprisonment is not imposed, except as an~~  
16 ~~alternative sentence, and any fine and costs ordered total less~~  
17 ~~than \$100.00.~~

18       (C) A JUDGE OF THE COURT ORDERS THE CLERK TO REPORT THE  
19 CONVICTION.

20       (4) As part of the sentence for a conviction of an offense  
21 described in subsection (2), IF FINGERPRINTS HAVE NOT ALREADY  
22 BEEN TAKEN, the court shall order that the fingerprints of the  
23 person convicted be taken and forwarded to the department of  
24 state police. ~~if fingerprints have not already been taken.~~

25       (5) ~~Before the expiration of~~ WITHIN 21 days after the date  
26 a person licensed or registered under article 15 of the public  
27 health code, ~~Act No. 368 of the Public Acts of 1978, being~~

1 ~~sections 333.16101 to 333.18838 of the Michigan Compiled Laws~~  
2 1978 PA 368, MCL 333.16101 TO 333.18838, is convicted of a misde-  
3 meanor involving the illegal delivery, possession, or use of  
4 alcohol or a controlled substance or OF a felony, the clerk of  
5 the court entering the conviction shall report the conviction to  
6 the department of ~~commerce~~ CONSUMER AND INDUSTRY SERVICES ON A  
7 FORM PRESCRIBED AND FURNISHED BY THAT DEPARTMENT. ~~The form of~~  
8 ~~the report shall be prescribed and furnished by the department of~~  
9 ~~commerce.~~