



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1093 (Substitute S-1 as reported)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Chapter IV (Arrest) of the Code of Criminal Procedure to do the following:

- Require a court or law enforcement agency to make nonpublic any court document or record generated in the connection with a case if the individual had been arrested or charged for a crime and the charge or charges were dismissed before trial.
- Require the appropriate district court or circuit to notify the investigating law enforcement agency that any court document or record generated in connection with the case in the possession of the law enforcement agency would have to be made nonpublic, if an individual were arrested for any crime and the charge or charges were dismissed before trial.
- Specify that a law enforcement agency would not be liable for damages or subject to criminal penalties for failing to make a court record or court document nonpublic if it was not notified by the court as required.

MCL 764.26a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would add indeterminate costs to local court systems, as it would require courts to make a criminal document or record nonpublic when it referred to a dismissal. Michigan Court Rule 8.119(H) allows access to records and documents upon request; however, the rule also state that a court may provide access to case history through a publicly accessible website. A case history of a criminal case that is subsequently dismissed likely would be the type of record that would require changes in accessibility under the bill. The applicable costs for a local court to comply with the bill would depend upon the current public accessibility allowed online and in person and would be related to the types of procedural and organizational changes that would be needed to meet the bill's records requirements.

The bill would have a minimal fiscal impact on State and local law enforcement agencies.

Date Completed: 12-8-20

Fiscal Analyst: Bruce Baker
Michael Siracuse

floor\sb1093

Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.