

## **PROHIBIT EMPLOYERS AND LABOR ORGANIZATIONS FROM REQUESTING OR KEEPING A RECORD OF CERTAIN CRIMINAL HISTORY INFORMATION**

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Analysis available at  
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**House Bill 4960 as reported from committee**

**Sponsor: Rep. Will Snyder**

**1st Committee: Labor**

**2nd Committee: Criminal Justice**

**Complete to 10-25-23**

### **SUMMARY:**

House Bill 4960 would amend the Elliott-Larsen Civil Rights Act to prohibit employers and labor organizations from requesting or maintaining a record of certain information about an applicant's criminal history.

Currently, in connection with an individual's application for employment or membership or with the terms and conditions of employment or membership, employers, employment agencies, and labor organizations (excluding law enforcement agencies and the Michigan Department of Corrections) cannot request or maintain a record of information regarding an individual's misdemeanor arrest, detention, or disposition that did not result in a conviction.

Under House Bill 4960, those entities would also be prohibited from requesting or maintaining a record of information regarding any of the following:

- A conviction set aside (expunged) under 1965 PA 213.
- An individual's placement on probation under Chapter XI (Probation) of the Code of Criminal Procedure.
- A criminal disposition under the juvenile code (Chapter XIIA of the Probate Code).
- An individual's status as a youthful trainee under Chapter II (Courts) of the Code of Criminal Procedure.<sup>1</sup>

MCL 37.2205a

### **FISCAL IMPACT:**

The bill would not likely have a fiscal impact to the state and would have no fiscal impact to local units of government. There is a potential fiscal impact to the state depending on whether the bill would lead to an increase to the number of civil rights complaint cases submitted to and investigated by the Department of Civil Rights and whether ongoing complaint investigation staff levels would be able to accommodate the increase. The annual FTE cost for a civil rights investigator position is \$161,000.

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<sup>1</sup> Youthful trainee status allows a young person to avoid having a criminal conviction on their record for certain offenses committed when they are 18 to 25 years of age.

## POSITIONS:

A representative of the ACLU of Michigan testified in support of the bill. (10-3-23)

The following entities indicated support for the bill:

- Department of the Attorney General (10-3-23)
- Safe and Just Michigan (10-10-23)
- Michigan League for Public Policy (10-3-23)
- Criminal Defense Attorneys of Michigan (10-10-23)
- Nation Outside (10-3-23)

The Michigan Bankers Association indicated opposition to the bill. (10-10-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.