



Senate Fiscal Agency  
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House Bill 4960 (as reported without amendment)  
Sponsor: Representative Will Snyder  
House Committee: Criminal Justice  
Senate Committee: Civil Rights, Judiciary, and Public Safety

### **CONTENT**

The bill would amend the Elliot-Larson Civil Rights Act to prohibit employers, employment agencies, or labor organizations from requiring an applicant to disclose certain criminal information in connection with the employment or membership. Specifically, the bill would apply to the following information:

- A conviction set aside under Public Act 213 of 1965, which provides for the setting aside of convictions in certain criminal cases.
- The placement of an individual on probation under Section 1(1) of Chapter XI (Probation) of the Code of Criminal Procedure, which provides probation eligibility for felonies, misdemeanors, or ordinance violations other than murder, treason, certain sexual misconduct, armed robbery, or major controlled substance offenses.
- A criminal disposition under Chapter XIIA (Jurisdiction, Procedure, and Disposition Involving Minors) of the juvenile code.
- An individual's status as a youthful trainee under the Holmes Youthful Trainee Act under Chapter II (Courts) of the Code of Criminal Procedure, which allows for dismissal of a criminal conviction if the offense was committed while the individual was 18 to 26 years old and the individual completed probation, custodial supervision, or jailtime requirements.

MCL 37.2205a

### **BRIEF RATIONALE**

Public Act 193 of 2020 enacted "clean slate" legislation which took effect April of 2023. This legislation, among other things, expunged or set aside certain criminal records for eligible individuals. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, individuals with previously expunged convictions are sometimes asked by employers to disclose such information as a way to circumvent this legislation. It has been suggested that employers be prohibited from requiring an applicant to disclose expunged or set aside records.

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 4-22-24

Fiscal Analyst: Elizabeth Raczkowski