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BILL ANALYSIS

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House Bill 4960 (as passed by the House)
Sponsor: Representative Will Snyder
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 3-12-24

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.

Currently, an employer, employment agency, or labor organization, other than a law enforcement agency or political subdivision of the State, may not request, make, or maintain a record of a misdemeanor arrest, detention, or disposition that did not result in a conviction in connection with an application for employment or membership or in connection with the terms, conditions, or privileges of employment or membership. The Act specifies that a person is not guilty of perjury or otherwise for giving a false statement by failing to acknowledge information the person must withhold. This does not apply to information relative to a felony charge before conviction or dismissal.

Under the bill, the provisions above also 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

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

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

Fiscal Analyst: Elizabeth Raczowski

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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.