



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



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

Senate Bill 94 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would amend the Public Health Code to require a nonpublic record of a diversion and dismissal of a controlled substance violation maintained by the Michigan Department of State Police (MSP) to be open to the Michigan Commission on Law Enforcement Standards (MCOLES) for certain purposes.

Under Section 7411 of the Public Health Code, when an individual who has not previously been convicted of a drug-related offense pleads guilty to or is found guilty of a controlled substance offense listed in the Code, the court may defer further proceedings and place the person on probation. When the terms and conditions of probation have been fulfilled, the court may discharge the person and dismiss the proceedings without adjudication of guilt.

Unless the court enters a judgment of guilt under Section 7411, the MSP must retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge. The nonpublic record must be open, however, to certain entities for certain purposes.

Under the bill, the nonpublic record also would have to be open to MCOLES as follows:

- The court placed the individual on probation after March 25, 2002.
- The Commission could use the record to determine whether the individual met the requirements for certification as a law enforcement officer, if the individual were seeking certification at the time of the request.
- The Commission could use the record to determine whether the certification could be revoked, if the individual were certified as a law enforcement officer.
- The Commission could use the record to determine whether the individual met the requirements for admission, if he or she were seeking admission to a law enforcement training academy.
- The Commission could use the record to determine whether the individual met the waiver requirements, if he or she were seeking a waiver from the law enforcement officer minimum standards regarding training requirements.

The bill would take effect 90 days after it was enacted.

MCL 333.7411

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 2-25-15

Fiscal Analyst: Bruce Baker

floor\sb94

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.

