

**SENATE BILL NO. 779**

September 30, 1999, Introduced by Senators LELAND, EMERSON, KOIVISTO, MC COTTER, EMMONS, NORTH, ROGERS, JOHNSON, CHERRY, HAMMERSTROM, HART, A. SMITH, BYRUM, DE BEAUSSAERT, MURPHY, BENNETT, SCHUETTE, STEIL, DINGELL, DUNASKISS, BULLARD, SHUGARS, PETERS, GOSCHKA, V. SMITH, SIKKEMA, SCHWARZ, GAST, HOFFMAN and MC MANUS and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 16a of chapter IX (MCL 769.16a), as amended  
by 1993 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** CHAPTER IX

**2** Sec. 16a. (1) Except as otherwise provided in subsection  
**3** (3), upon final disposition of an original charge against a  
**4** person of a felony or a misdemeanor punishable by imprisonment  
**5** for more than 92 days, the clerk of the court entering the dispo-  
**6** sition shall immediately advise the department of state police of  
**7** the final disposition of the charge on forms approved by the  
**8** state court administrator. The report to the department of state  
**9** police shall include information as to the finding of the judge  
**10** or jury, including a finding of guilty, guilty but mentally ill,

1 not guilty, or not guilty by reason of insanity, or the person's  
2 plea of guilty, nolo contendere, or guilty but mentally ill; if  
3 the person was convicted, the offense of which the person was  
4 convicted; and a summary of any sentence imposed. The summary of  
5 the sentence shall include any probationary term; any minimum,  
6 maximum, or alternative term of imprisonment; the total of all  
7 fines, costs, and restitution ordered; and any modification of  
8 sentence. If the sentence is imposed under any of the following  
9 sections, the report shall so indicate:

10 (a) Section 7411 of the public health code, ~~Act No. 368 of~~  
11 ~~the Public Acts of 1978, being section 333.7411 of the Michigan~~  
12 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7411.

13 (b) Sections 11 to 15 of chapter II.

14 (c) Section 4a of chapter IX.

15 (2) Except as otherwise provided in subsection (3), upon  
16 sentencing of a person convicted of a misdemeanor or of a viola-  
17 tion of a local ordinance substantially corresponding to state  
18 law, the clerk of the court imposing sentence immediately shall  
19 advise the department of state police of the conviction on forms  
20 approved by the state court administrator. The clerk of a court  
21 is not required to report a conviction under this subsection if  
22 the clerk is required to report the conviction under  
23 subsection (1).

24 (3) Except as otherwise provided in ~~subsection~~ SUBSECTIONS  
25 (5) AND (6), the clerk of a court is not required to and shall  
26 not, unless ordered by a judge of the court, report a conviction  
27 of a misdemeanor offense if either of the following apply:

1 (a) The conviction is under the Michigan vehicle code, ~~Act~~  
2 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to~~  
3 ~~257.923 of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO  
4 257.923, or under a local ordinance substantially corresponding  
5 to a provision of ~~Act No. 300 of the Public Acts of 1949~~ THE  
6 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, unless  
7 the offense is punishable by imprisonment for more than 92 days  
8 or is an offense ~~which~~ THAT would be punishable by more than 92  
9 days as a second conviction.

10 (b) A sentence of imprisonment is not imposed, except as an  
11 alternative sentence, and any fine and costs ordered total less  
12 than \$100.00.

13 (4) As part of the sentence for a conviction of an offense  
14 described in subsection (2), the court shall order that the fin-  
15 gerprints of the person convicted be taken and forwarded to the  
16 department of state police if fingerprints have not already been  
17 taken.

18 (5) Before the expiration of 21 days after the date a person  
19 licensed or registered under article 15 of the public health  
20 code, ~~Act No. 368 of the Public Acts of 1978, being sections~~  
21 ~~333.16101 to 333.18838 of the Michigan Compiled Laws~~ 1978  
22 PA 368, MCL 333.16101 TO 333.18838, is convicted of a misdemeanor  
23 involving the illegal delivery, possession, or use of alcohol or  
24 a controlled substance or a felony, the clerk of the court enter-  
25 ing the conviction shall report the conviction to the department  
26 of ~~commerce~~ CONSUMER AND INDUSTRY SERVICES. The form of the

1 report shall be prescribed and furnished by the department of  
2 ~~commerce~~ CONSUMER AND INDUSTRY SERVICES.

3 (6) BEFORE THE EXPIRATION OF 21 DAYS AFTER THE DATE A PERSON  
4 IS CONVICTED OF A VIOLATION OF SECTION 300A OF THE MICHIGAN PENAL  
5 CODE, 1931 PA 328, MCL 750.300A, THE CLERK OF THE COURT ENTERING  
6 THE CONVICTION SHALL REPORT THE CONVICTION TO ALL OF THE  
7 FOLLOWING:

8 (A) THE LIQUOR CONTROL COMMISSION IN THE DEPARTMENT OF CON-  
9 SUMER AND INDUSTRY SERVICES.

10 (B) THE BUREAU OF STATE LOTTERY.

11 (C) THE DEPARTMENT OF TREASURY.

12 Enacting section 1. This amendatory act does not take  
13 effect unless all of the following bills of the 90th Legislature  
14 are enacted into law:

15 (a) Senate Bill No. 776.

16

17 (b) Senate Bill No. 777.

18

19 (c) Senate Bill No. 778.

20