

HOUSE BILL NO. 5914

March 16, 2022, Introduced by Reps. Brann, LaGrand, Sowerby, Calley, Aiyash, Bolden, Rabhi, Stone, Kuppa, Brixie, Brenda Carter, Ellison, Hood, Hope, Cambensy, Steenland, Breen and Yancey and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 205a (MCL 37.2205a), as amended by 1999 PA 202.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 205a. (1) An employer, employment agency, or labor
2 organization, ~~other than~~ **not including** a law enforcement agency of
3 this state or **of** a political subdivision of this state, shall not,
4 in connection with an application for employment or membership ~~or~~

1 in connection with the terms, conditions, or privileges of
 2 employment or membership, request, make, or maintain a record of
 3 information regarding ~~a~~**any of the following:**

4 (a) A misdemeanor arrest, detention, or disposition where a
 5 conviction did not result. ~~A person is not guilty of perjury or~~
 6 ~~otherwise for giving~~

7 (b) A conviction set aside under 1965 PA 213, MCL 780.621 to
 8 780.624.

9 (c) The placement of an individual on probation under section
 10 1(1) of chapter XI of the code of criminal procedure, 1927 PA 175,
 11 MCL 771.1.

12 (d) A criminal disposition under chapter XIIA of the probate
 13 code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

14 (e) An individual's status as a youthful trainee under section
 15 11 of chapter II of the code of criminal procedure, 1927 PA 175,
 16 MCL 762.11.

17 (2) An individual who gives a ~~false statement by failing to~~
 18 ~~that does not~~ recite or acknowledge information the ~~person~~
 19 individual has a civil right to withhold ~~by~~**under** this section **is**
 20 **not guilty of perjury or otherwise.** This section does not apply to
 21 information ~~relative to~~**regarding** a felony charge before conviction
 22 or dismissal.

23 (3) ~~(2)~~As used in this section, "law enforcement agency"
 24 includes the ~~state~~ department of corrections.