



LAW ENFORCEMENT INFORMATION NETWORK

This correspondence is being distributed to authorized Law Enforcement Information Network (LEIN) user agencies as a guide to upcoming changes to the Michigan Criminal History Record (CHR) Response.

On April 1, 2013, Public Acts 547-550 of 2012 will go into effect. These acts make some suppressed criminal history information open to certain LEIN user agencies that were not previously allowed access, for purposes not previously allowed. The effected suppressed criminal history records include:

- MCL 333.7411, Controlled Substances (7411)
- MCL 750.350a, Parental Kidnapping (KID)
- MCL 769.4a, Domestic Violence (ABUSE)
- MCL 600.1076, Drug Treatment Courts (DTCT)

The original statutes allowed access to the suppressed criminal record by criminal justice agencies for purposes of determining whether the subject already had a conviction dismissed under the particular statute, or for criminal justice employment. Accessing the particular suppressed criminal record required use of a special purpose code with a qualifying reason. Agencies that used one of those codes without a qualifying reason were found in violation of LEIN policy.

On April 1, 2013, the statutory changes allow access to the suppressed criminal records by courts of this state, prosecutors, and law enforcement personnel for use only in the performance of their duties, as well as to determine whether the particular deferral has already been used. The Department of Human Services is also allowed access to these records for enforcing child protection and vulnerable adult protection laws, as well as for running a pre-employment criminal history check on any individual who will be engaged in the enforcement of child protection and vulnerable adult protection laws. The Michigan Department of Corrections (MDOC) has access to these records only for employment purposes. **Public Acts 220-223 of 2013 amended the above statutes to include the MDOC in the list of agencies that could access the above suppressed criminal history records in the performance of their duties.**

On March 27, 2013, the Criminal History Section of the Michigan State Police will implement programing changes which will automatically provide these suppressed criminal records through criminal history inquiries using purpose codes C and J. LEIN Field Services is creating a new purpose code, DHS, for use exclusively by the Department of Human Services, which provides all Michigan criminal history information, including the above suppressed criminal records. Suppressed criminal records will continue to be displayed at the bottom of a criminal history rap sheet. Agencies should no longer have a need to run individual suppressed purpose codes, such as HYTA, KID, ABUSE, or 7411, as the records will automatically appear where it is statutorily permitted to be displayed.

All LEIN user agencies are responsible for understanding the statutes surrounding the use of suppressed criminal record information and for abiding by any restrictions.

The following disclaimer will appear above any record suppressed by these statutes:

=====

* * * THE FOLLOWING INCIDENT IS SUPPRESSED * * *

=====

IN ACCORDANCE WITH STATUTE THIS RECORD SHALL BE WITHOUT ADJUDICATION OF GUILT WHILE MAINTAINED AS A NON PUBLIC RECORD OF THE MATTER WHILE PROCEEDINGS ARE DEFERRED AND THIS INDIVIDUAL IS ON PROBATION AND IF THERE IS A DISCHARGE AND DISMISSAL. THIS RECORD IS MADE AVAILABLE FOR THE PURPOSES OF SHOWING THAT THE DEFENDANT IN A LIKE CRIMINAL ACT HAS ALREADY UTILIZED THE STATUTORY PRIVILEGES ALLOWED FOR A LIKE DEFERRAL AND DISMISSAL OR FOR OTHER USES AS SPECIFIED BY STATUTE.

Questions regarding this information may be directed to Ms. Liz Canfield of LEIN Field Services at (517) 241-0639 or canfielde@michigan.gov.