

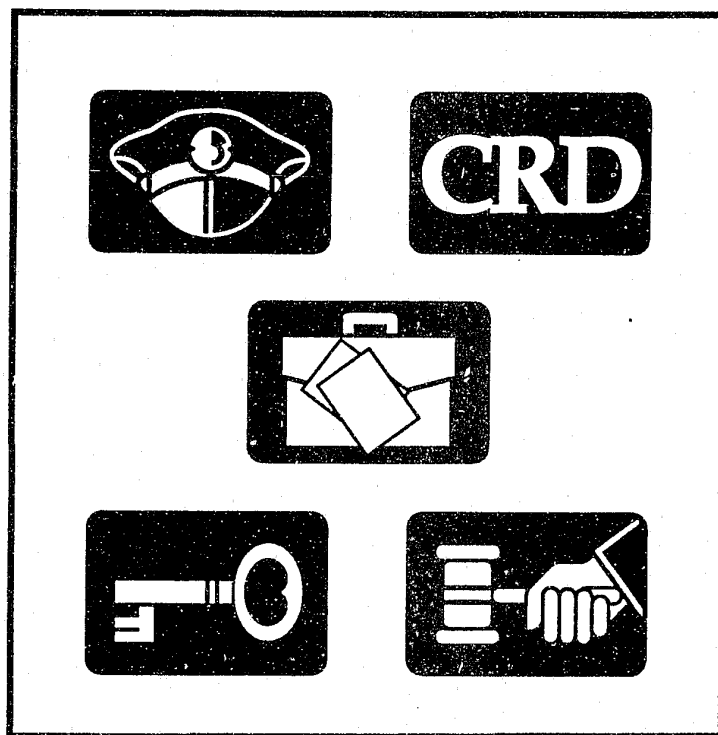
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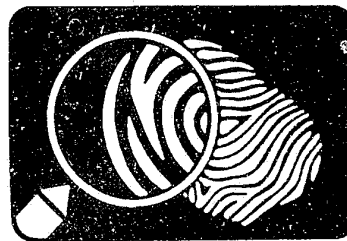
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ACQUISITIONS

Criminal Records Reporting Manual



CRR 92



MICHIGAN STATE POLICE
CENTRAL RECORDS DIVISION

150254

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CRIMINAL RECORDS REPORTING



CENTRAL RECORDS DIVISION

March 10, 1992

ATTENTION LAW ENFORCEMENT, PROSECUTORIAL AND COURT PERSONNEL

On the reverse side of this announcement are revisions to pages 11-2 and 11-3 of the Criminal Records Reporting Manual (CRR-92). These revisions depict updated PACC Charge Codes for reporting traffic misdemeanor convictions and traffic offenses punishable by more than 92 days.

SPECIAL ATTENTION FOR LAW ENFORCEMENT AND PROSECUTORIAL STAFF

The New OUI Laws which took effect on January 1, 1992 have caused the following revisions that shall take **IMMEDIATE EFFECT**:

Prosecutorial staff are requested to type or legibly print the word "**NOTICE**" in box #32, Category "E" of the **RI-7 State Arrest Card** when the authorized charge of First Offense (i.e. OUI 257.6251A) is given with "Notification of Prior Convictions," on the Warrant.

If Law Enforcement Personnel are processing the RI-7 with a warrant and are completing the PACC Charge Code box #32, Category "E" for the Prosecutor, make certain that the warrant is checked to ascertain whether or not prior conviction notification is given. If prior conviction data is given, the word "**NOTICE**" must be added to the PACC charge code on the **RI-7 Arrest Card**.

Any RI-7 Arrest Cards received by CRD that are coded for First Offense without "**NOTICE**" being typed or printed in the PACC charge box #32, Category "E", will be returned to the arresting agency as a misdemeanor without conviction and the arresting agency will have to ascertain from the prosecutor the correct PACC charge code.

Note: The **RI-7 Arrest Card** will be revised to include the words "**NOTICE**" with a check box, at the next scheduled printing. This will expedite processing by the prosecutors staff.

Revision to traffic offense tables CRR 92 (pg. 11-2 and 11-3)

Table 11-1
Reportable Traffic Misdemeanors

PACC Charge Code	MCL No.	Description	Replaces
257.6251-A	257.625(1)	Operating-OUI/Per Se	257.625 257.6251 257.6252
257.6253-A	257.625(3)	Operating Impaired	257.625B1
257.9041B	257.904(1)(b)	Operating lic. susp., revoked, denied &/or allowing suspended person to operate	257.9041
257.9041A	257.904(1)(a)	Operating-suspended for failure to answer citation.	257.9042

Table 11-2
Reportable Traffic Misdemeanor offenses punishable by more than 92 days

PACC Charge Code	Maximum Sentence	Description	Replaces
257.602A	1 year and/or \$1,000	Police Officer - Fleeing (Motor Vehicle Code)	N/A
257.617A	1 year and/or \$1,000	Failure to Stop Personal Injury Accident	N/A
257.6256B	Up to 1 year Jail; \$200-\$1,000 Fine; License Revoked	OUI / Per Se - 2nd Offense	257.6255 257.6255-B
257.62510B	Up to 1 year Jail; \$200-\$1,000 Fine; License Suspended 6 months - 2 years	Operating - Impaired - 2nd Offense Notice	257.6025B3
257.62510C	Up to 1 year Jail; \$200-\$1,000 Fine; License Revoked	Operating - Impaired - 3rd Offense	257.625B4
257.905-B	2 Days to 1 year and/or \$500 Fine	Operate - While Suspended for Failure to Prove Financial Responsibility	N/A
257.9041C	1 year / \$1,000	Operating - License Suspended, Revoked, Denied / Allowing suspended person 2nd or subsequent offense	257.9043

Michigan Justice Training Commission

This manual was developed under the authority and sponsorship of the Michigan Justice Training Commission

Chief Kenneth Madejczyk,
Chairman
Police Department
Grandville

Jerald Warner
Vice-Chairman
Assistant Prosecutor
Macomb County

Barbara Lavine
Vice-Chairman
Administrator
Michigan Appellate Assigned Council

Captain Gene W. Hoekwater
Training Division
Michigan State Police

Thomas Schneider
President
Detroit Police Officers Association

Richard Darling
President
Michigan State Police Troopers Association

Operational Project Manager
Lt. Daniel Ostrom

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Section 1

Introduction

This handbook is a summary of current procedures, forms, codes, and other documentation used for Criminal Records Reporting (CRR) within the state of Michigan.

1.1 Purpose and Scope of Manual

This handbook serves two purposes:

- As a workbook during field training sessions held throughout the state in the fall of 1991;
- As a self-teaching guide for individuals who require orientation to Criminal Records Reporting.

1.2 Michigan's Criminal Justice Network

Michigan's Criminal Justice Information System is a broad network of professionals who create, maintain, extract and update criminal records.



LAW ENFORCEMENT AGENCIES

- 78 State Police Work Sites with 2,255 officers
- 83 Sheriff Offices with 4,065 officers
- 511 City, Village and Township Police Departments with 13,262 officers
- 23 special agencies such as airports and college security departments with 292 officers
- 5,411 support personnel



PROSECUTING ATTORNEYS

- 83 county Prosecuting Attorneys
- 603 assistant Prosecuting Attorneys
- 506 support staff personnel



COURTS

- 56 circuit courts with 177 judges
- 1 recorders court with 29 judges
- 101 district courts with 260 judges
- 79 probate courts with 108 judges
- 6 municipal courts with 6 judges
- 4,067 support staff personnel



CORRECTIONS

A statewide system for incarceration, punishment, and rehabilitation covering probation offices, city & county jails, and state prisons.



CENTRAL RECORDS DIVISION

In addition to the Identification Section that handles fingerprints and Criminal History Records, CRD also includes sections responsible for Firearms Records and Uniform Crime Reporting.

Section 2

Legislation

Since 1925, we have developed a considerable body of legislation covering the penalties for criminal behavior and outlining requirements for handling criminal records.

2.1 Introduction

In response to an increasing work load and to correct flaws in the CRR system, the Michigan legislature has made some significant system changes through enactment of legislation dealing with reporting and handling of offenses. This chapter is a brief summary of that legislation and the implications for criminal records reporting.

The field training sessions (CRR 88) held throughout the state in 1988 helped clarify and improve system information and procedures. The goals for the program at that time remain true for CRR 91/92 today, namely:

- To clarify reporting procedures;
- To improve the quality of the record base;
- To enhance communications between network members;
- To ensure compliance with Michigan's CRR laws.

2.2 1986/87 Legislation

In 1986, Public Acts 231 and 232 which took effect on June 1, 1987 clarified the role of network agencies.

2.2.1 Public Act 231

Public Act 231 (MCL 28.241 – 28.247) confirmed the role of the Central Records Division (CRD) of the Department of State Police as the state central repository for the collection and filing of criminal history records. The law further specified that local law enforcement agencies were required to take fingerprints of any individual arrested for a felony or misdemeanor with a maximum penalty exceeding 92 days imprisonment or a fine of \$500 or more. (Public Act 97 of 1989 raised the fine to \$1,000.) Such prints were to be taken upon arrest and forwarded to the Michigan Department of State Police. The Department of State Police is to compare the suspect prints with existing files of fingerprint records and report the results of the file comparison.

Other provisions of Public Act 231 included the requirement for CRD to notify the Federal Bureau of Investigation of final disposition on all felony arrests, to update criminal records for persons confined in state prisons or correctional facilities, and other related requirements for specified offenses.

2.2.2 Public Act 232

Public Act 232 (MCL 764.29 – 769.1) was companion legislation to P.A. 231 and specified various court procedures covering fingerprints, criminal records, and related procedures. In terms of criminal records reporting, a major stipulation of Public Act 232 was the requirement for the clerk of the court to notify CRD of dispositions of criminal cases.

2.2.3 System Changes

Public Acts 231 and 232 of 1986 brought about significant changes in the origination and processing of Michigan's criminal records. Here were the significant adjustments made in 1987:

- **Prosecutor as Pivot.** The county prosecutor's office became the key information source for the submission of records to CRD and for the channeling of information between law enforcement agencies and the courts.
- **Criminal Tracking Number.** A network was created around the Criminal Tracking Number (CTN) that provides a common basis for tracking individual defendants through the arrest, trial, and disposition procedures.
- **PACC Charge Code.** To ensure proper recording of both criminal charges and related court dispositions, the network specified the use of a charge code system employed by the Prosecuting Attorneys Coordinating Council (PACC).
- **SID Notification.** A Technical Advisory Group representing all parts of the network established a notification system whereby CRD would report the verified State Identification Number (SID) back to the prosecutor and law enforcement agencies and for the Prosecutor to forward the verified SID to the Court.
- **Disposition Reporting.** The State Court Administrative Office developed new court disposition reporting procedures and supporting forms.

- **Statewide Training.** The Technical Advisory Group helped to develop a new reporting system and participated in a statewide training effort to stress the requirement for good fingerprint impressions and for consistent submission of arrest and court disposition reports to CRD.

2.2.4 1987 Results

Inspection of incoming records and field evaluations of selected agencies indicated a significant improvement in system performance. Some of the more important observations were:

- **Better Arrest Reporting.** There was improved compliance with arrest reporting requirements from law enforcement agencies throughout the State.
- **Improved Record Quality.** The quality and clarity of incoming records was substantially improved over previous submissions.
- **Disposition Reporting.** Prior to 1987, less than half of Michigan felony arrests had corresponding reports of case dispositions. There was a major improvement in this measure.
- **Enhanced System Communications.** While they are not measurable statistics, there was clear indication of greatly improved communications between parts of the Criminal Justice Network and generally better cooperation with CRR procedures.

2.3 1988 Legislation

2.3.1 Public Acts 40 and 72 of 1988

Public Act 40 changed CRR procedures to include reporting of certain juvenile offenses. As of June 1, 1988, juveniles arrested for these offenses were to be fingerprinted and have criminal records created in a manner similar to adult offenders. Fingerprinting and criminal tracking of these juvenile offenses was no longer a matter of individual court option. A further provision of Public Act 72 required court disposition reporting of these selected juvenile offenses in the same manner as adult offenses.

2.3.2 System Changes

Following the 1988 revisions to Michigan's CRR system, administrative personnel for all parts of the network monitored the new procedures. As specified in the new legislation, the Administrative Section of CRD made field audits to assess the impact of system changes. Here are the major changes in the CRR system that took place in 1988:

- **Revised Arrest Card.** The new RI-7 arrest card was designed for easier double-spaced typing and was separated into sections for handling by the different agencies.
- **Local Models.** Detailed local models were encouraged to identify designated individuals with responsibility for the various CRR procedures.
- **Juvenile Reporting.** Changes were made in how the system handled juvenile arrests and court dispositions for certain serious offenses.
- **Diversion.** Defined procedures were established for the several ways in which criminal cases might be deferred.

- **SID Notification.** Instead of the RI-4 SID Verification form, CRD reported the results of a Criminal History File check via a new SID Notification Report.
- **SID Check Character.** A single alpha check character was used in all documents communicating SID numbers. The SID itself was unchanged; the alpha check character helped ensure accuracy in transmission.

2.4 1989 Legislation

During 1989, refinements to the system for juvenile record keeping and new interpretations of Public Act 40 that require juvenile offense reporting, have made the process more efficient and exact. See Section 10 for complete discussion of Juvenile reporting procedures.

Also changes in how misdemeanor reporting is to be handled is a major emphasis of our current training efforts. See Section 11 for new misdemeanor reporting procedures.

The RI-7 has undergone two revisions since 1988:

- In 1989 to incorporate changes needed for AFIS
- In 1990 to incorporate reporting of the subject's SID, if known

Since January, 1991, SID notifications are no longer provided unless requested by the user. (SID numbers assigned to arrest prints submitted are available 15 days after submission via LEIN inquiry.)

Other system changes will be covered in the remaining chapters of this manual.

Current legislation and refinements to the CRR system make it imperative for all network members to insure that they are up-to-date in their understanding of proper procedures and reporting processes. CRR 92 will assist in presenting this information in a clear, understandable format.

Section 3

Codes and Reporting Elements

This section defines and explains the more important codes and Criminal Records Reporting elements.

3.1 System Reporting

Each participant of the network uses codes and reporting forms that are specific to their various independent operations. If a particular form, code, or procedure has only internal application, we will not review it here. Instead, we look at those codes and forms that are used to communicate from one part of the network to another.

3.2 Defendant's Name

The name used on all CRR documents is to be the name the defendant originally gave at time of arrest. For a warrant arrest, all CRR documents show the name appearing on the warrant. The court reports the disposition using the name as originally shown on the complaint.

Most CRR documents provide space for noting alternative names in the event the suspect has attempted to establish a different identity.

3.3 SID — State Identification Number

The State Identification Number (SID) is an 8 to 9 digit number that is assigned by CRD to track an individual. CRD assigns a new SID when a suspect's fingerprints are classified for the first time. An individual keeps the same SID for all subsequent lifetime contact with Michigan's criminal justice network.

CRR has been using a trailing alpha check character in all SID documentation since 1988. This check character does not change the SID itself.

The SID number can only properly be used in CRR when verified through fingerprint classification and checked for a match with existing files.

If specifically requested, CRD will furnish a SID notification which can be used to access an individual's file. However, Law Enforcement agents can also access an individual file by a query to LEIN (Law Enforcement Information Network) using the Name at arrest or CTN.

3.4 PACC Charge Code

To ensure that all criminal charges are uniformly identified and reported, the network uses a coding system developed and maintained by the Prosecuting Attorney's Coordinating Council (PACC).

Verbal descriptions of crimes are not precise or specific. The term "breaking & entering" could identify one of several possible crimes such as entering an occupied dwelling or other form of illegal entry. However, the code 750.110-B clearly identifies only one crime: "Breaking & Entering — Occupied Dwelling With Intent."

In starting the RI-7, the arresting agency completes the offense description, but leaves the PACC charge code blank for assignment by the prosecutor's office. Information about PACC charge codes along with other prosecutor policies and procedures are covered in the PACC Warrant Manual. For a listing of PACC codes, see "Bench Guide."

S-C-A Bracket. The PACC charge code can incorporate one of three alpha characters to indicate criminal conspiracy or an attempted offense. The suffix codes are:

- [S] for Solicitation
- [C] for Conspiracy
- [A] for an Attempted criminal act.

For example, the sequence:

[750.110-B [A]] is the PACC charge code for "Attempted Breaking & Entering — Occupied Dwelling with Intent".

See Section 5.4 for further discussion of the PACC Charge Code as it relates to specific functions of the prosecutor's office.

3.5 CTN — Criminal Tracking Number

The Criminal Tracking Number (CTN) is a 12-digit number assigned by the Prosecuting Attorney that links each defendant to a specific case. The CTN appears on all CRR documents and allows the prosecutor and the court to maintain record control through the duration of a case.

82 88 001234 05

County of prosecution — first 2 digits
(i.e., 82 = Wayne County)

Year issued — next 2 digits
(i.e., 88 = 1988)

Sequence number — next 6 digits
(i.e., 001234)

Suffix or Defendant number — last 2 digits
(i.e., fifth defendant)

- **CTN Suffix.** The 2-digit suffix may either be used to track individual defendants in a combined case, or for any other purpose. Whatever local meanings may be employed, however, the suffix must be used for every warrant and all CTNs must consist of 12 digits. (CTNs are all numeric; no alpha characters are allowed.)
- **CTN — Warrant Matching.** Each defendant on each warrant must have a unique CTN. If a defendant is charged on multiple warrants, each warrant must show a separate CTN. This allows consistent tracking of a defendant on each warrant. It may be helpful to assign juveniles CTN numbers within the 800000 range to distinguish from adult CTNs.

The CTN remains an essential reporting element at all levels of CRR including court dispositions.

3.6 CTN on Misdemeanor

CRD will continue to accept RI-7's for cases charged as misdemeanors for which the penalty is not greater than 92 days in jail. For such cases, CRD requires that the court disposition form accompany the RI-7 card. There need not be a CTN assigned to the RI-7. See Section 11 for more information on misdemeanor reporting.

3.7 ORI — ORIGINating Agency

All network elements — courts, prosecutors, and law enforcement agencies — have an ORI as a unique identifier. The ORI number is assigned by the Law Enforcement Information Network (LEIN) to identify each criminal justice agency, and all ORIs are found in the LEIN manual. Every CRR document carries the ORI of the agency that started the document. Some documents (the RI-7, for example) also report ORIs for other involved agencies. In the case of the RI-7, it is the responsibility of the Warrant holding/seeking agency to enter all ORI numbers when filling out the card.

3.8 Court Case File Number

This is the number assigned to the case file by the court. It includes a prefix for the last two digits of the year of filing followed by a suffix using a case type code. The court case file number appears on the warrant, and on every court document.

3.9 Disposition Type

The disposition type is indicated by the forms used to report dispositional information.

3.10 Disposition Date

On court documents, the recorded date is the date on which the dispositional order is signed.

3.11 Sentencing

Disposition reports of convictions specify criminal sentences including:

- Pleas of guilty, nolo contendere, or guilty but mentally ill
- Findings by a judge or jury of guilty, or guilty but mentally ill
- Minimum, maximum or alternative terms of imprisonment in days, months, or years
- Total of fines, costs, and restitution
- Any probationary term in months

3.12 Important CRR Forms

In the manual sections that cover operations for each part of the network, we include specific procedures for starting all of the CRR forms. The key documents originated by various parts of the network are:

- Law Enforcement: the RI-7
- Prosecutor: criminal charging forms
- Courts: disposition reporting, including dismissals

To see how the various parts of the network fit together, it might be helpful for the reader to first skip ahead to Section 6 to look at the flow charts of CRR procedures. We'll return to these flow charts for a more detailed look at both basic arrest procedures and several variations.

Section 4

Law Enforcement Procedures

Law enforcement agencies normally begin the Criminal Records Reporting process by starting the RI-7 fingerprint card.

4.1 Introduction

Law enforcement agencies, seeking or holding a warrant for an individual, are responsible to insure that proper prints are taken and that the RI-7 card is properly filled out, including ORI numbers. This holds true even when prints are taken by another agency. Strict adherence to this responsibility is critical if the system is to operate effectively.

4.2 Types of Arrests

Law enforcement agencies may start the CRR process with a warrantless arrest. In a warrantless arrest, a subject is taken into custody following a criminal offense and is fingerprinted prior to the preparation of a warrant.

□ **Note:**

It is the responsibility of the law enforcement agency seeking the warrant to insure that proper prints have been taken and all parts of the RI-7 are filled in before transferring the file to the prosecuting attorney's office.

A warrant arrest differs from a warrantless arrest only in that a warrant is issued prior to the arrest.

In both types of arrests, the warrant-holding law enforcement agency is responsible for taking fingerprints and starting the RI-7.

4.3 Misdemeanor Arrests

Misdemeanor reporting procedures require certain simple misdemeanors punishable by less than 93 days in jail and/or \$1000 to be reported. Section 11 details misdemeanor reporting procedures.

4.4 Juvenile Arrests

Public Act 40 of 1988 mandated changes in arrest and criminal records procedures for juveniles. (See Appendix for full text of P.A. 231 amended by P.A. 40.)

If a juvenile is arrested for one of the covered offenses listed in Section 10, the prosecutor is to take the RI-7 to juvenile court. If the court grants a petition, the RI-7 will be sent to CRD. For more information on juvenile reporting procedures and for a listing of the covered juvenile offenses, see Section 10.

4.5 Traffic Violations

Most traffic offenses are civil violations that do not come within the scope of criminal records reporting. However, there are categories of traffic arrests for which criminal records reporting procedures apply.

- **Misdemeanors.** Certain first offenses are misdemeanors. CRD will accept RI-7's for these offenses under the same conditions as all other misdemeanor offenses: the arrest card must be accompanied by a court disposition showing a conviction. For more information and a list of these offenses, see Section 11.
- **Second Offenses.** Second offenses for driving under suspension and OUIL are violations that carry penalties of over 92 days and/or \$1000. Along with other serious driving offenses, these arrests are to be handled in the same manner as other reportable criminal offenses. The subject is to be printed and the arrest procedure followed for a warrantless arrest.
- **Ordinance Violations.** Ordinance violations use the same procedure as misdemeanors. Information on handling ordinance violations follows in Section 4.6.

4.6 Ordinance Violations

When an arrestee is to be charged with violating a municipal ordinance, the charging documents are handled by a city attorney rather than a county prosecutor. For all offenses so charged and regardless of the possible criminal penalties, CRD will establish or update a criminal record only when the arrest card is accompanied by a court disposition showing a conviction.

When the arrest card is submitted for an ordinance violation, it will not carry a CTN (since CTN's are only assigned by county prosecutors) and the arresting agency should enter "O" for ordinance in the F/M/O box (box number E-30 of the RI-7). See Section 11.3 for more information about ordinance violations.

4.7 Fingerprinting

As the foundation of Michigan's criminal history record system, fingerprints are the only practical, positive means of identifying an individual. Throughout the history of tracking criminals, such characteristics as names, paper identification, dates of birth, photos, and other distinguishing characteristics have proved unreliable. Fingerprints have become widely established as a foundation for individual identification. As the universally accepted method of classifying an individual with certainty, the 10-print impressions stand alone.

□ **Note:**

CRD will file palm prints if submitted, but they must accompany the completed RI-7.

Although the fingerprint impressions can be taken by the holding or arresting agent, the warrant seeking/holding agency is responsible for completing the RI-7, or checking that it has been properly filled out.

4.8 Good Fingerprint Impressions

Criminal history records require certainty of fingerprint identification. Without a set of fingerprints to match against the existing file, there can be no additions, modifications, upgrades, or deletions to an existing criminal history record.

Proper fingerprint impressions offer a number of significant benefits:

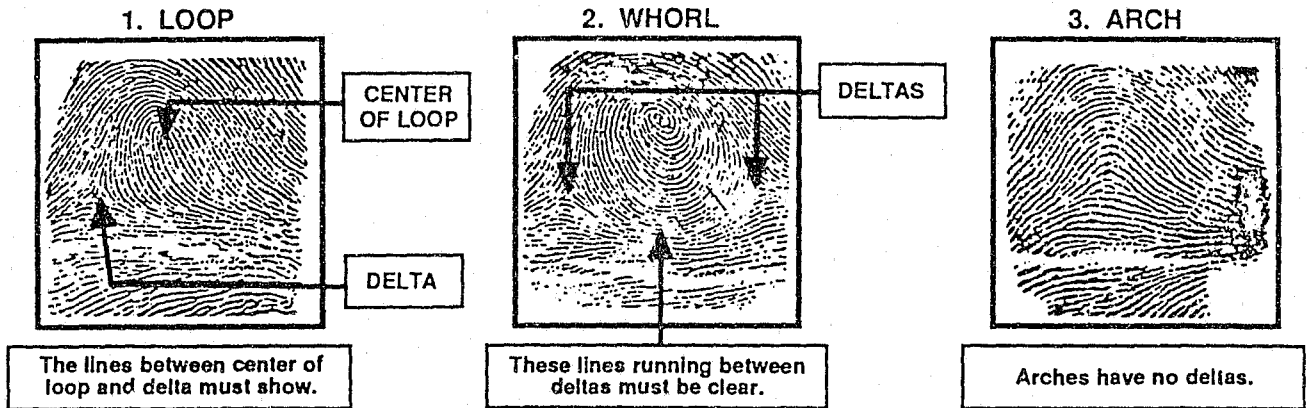
- **Better AFIS Files.** Michigan has converted to an Automated Fingerprint Identification System (AFIS). While AFIS contributes computer power to the classification and matching jobs, efficiency of the system still depends upon the quality of fingerprint impressions as the basic record. Poor quality prints cannot be entered into AFIS; this means that a fingerprint identification is not available for latent search.
- **Save Time.** A good set of prints allows smooth and efficient handling by CRD. Poor fingerprint impressions take a longer time to process. Also, in seeking a match within the file, an indistinct set of prints requires unnecessary searching through thousands of extra cards.
- **Better Chance of Matching.** With good impressions, there is a higher likelihood of finding an existing file match. A technician can identify characteristics, and there is also less likelihood of mistakenly creating a new file for a previously arrested individual.

For Best Fingerprints

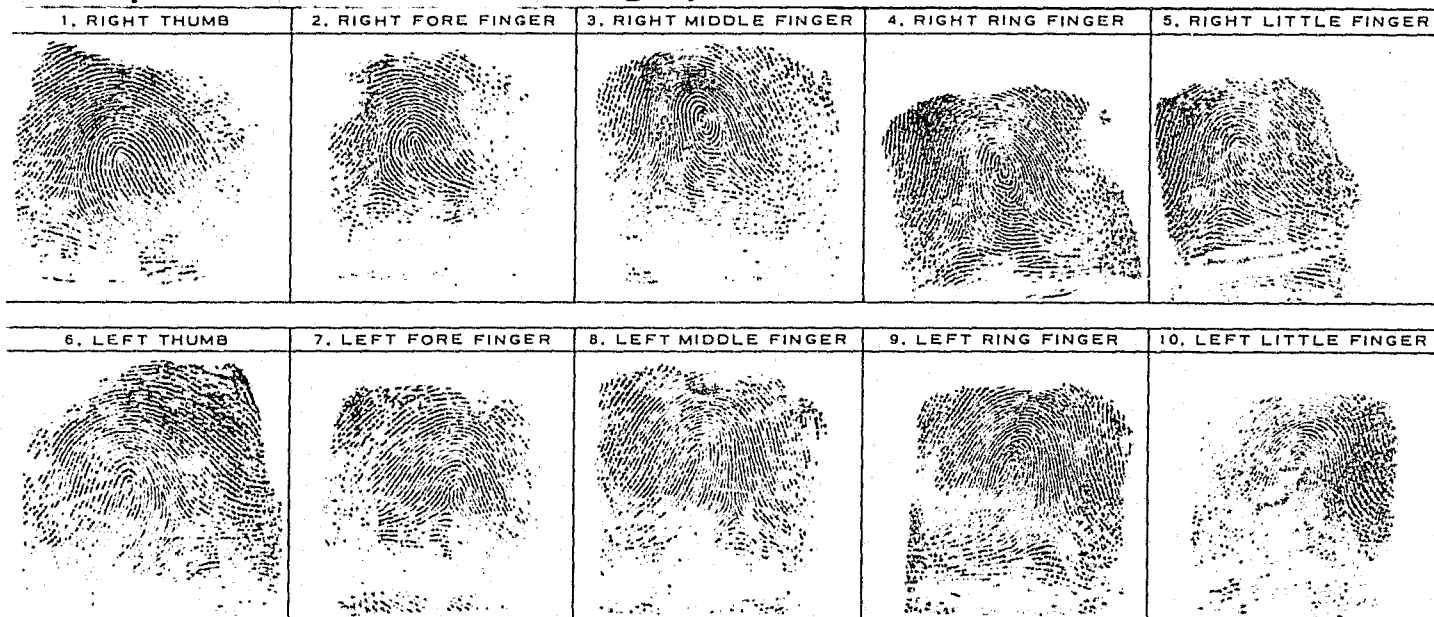
These guidelines help produce clear fingerprints. For more details, see the CRD Fingerprint Manual.

- *Use fresh ink.*
- *Re-ink slab or pad for every subject.*
- *Re-roll the slab or pad in between different 10-print cards for the same subject.*
- *If possible, clean hands of the subject before fingerprinting. Dirt can greatly obscure fingerprint impressions.*
- *Roll each finger nail to nail.*
- *Make sure you obtain impression of each finger from the tip to 1/4" below first joint.*
- *Use even pressure throughout the roll.*
- *Inspect prints to make sure they are classifiable (see chart at right).*
- *If unable to take a complete set of prints due to amputation or other deformity, leave the corresponding finger box empty and make a note in Box 26 on information side of RI-7.*
- *Do not fold fingerprint card.*
- *Inspect prints – again – to make sure they are classifiable.*

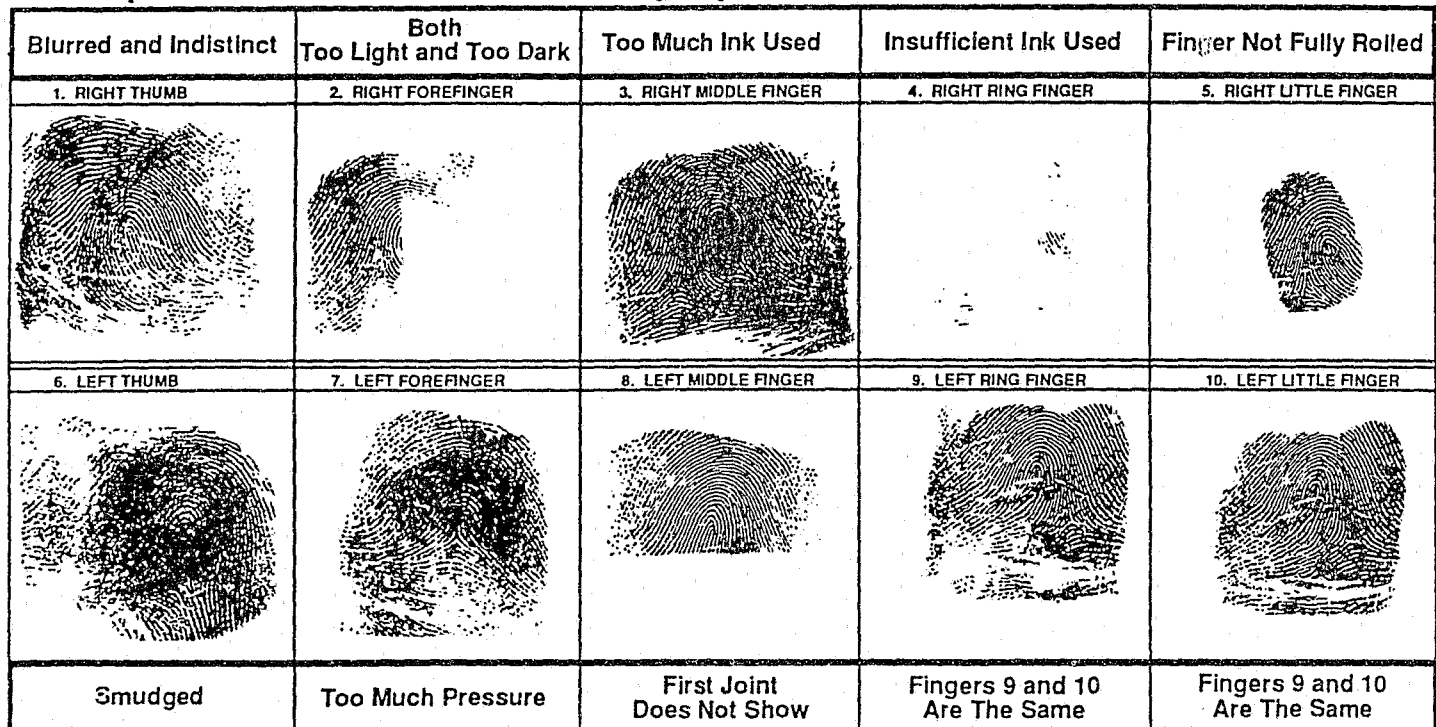
Characteristics Necessary to Classify Fingerprints:



Example of a Good Set of Fingerprints:



Examples of Unclassifiable Fingerprints:



A	1. NAME AT ARREST (LAST, FIRST, MIDDLE)				MSP USE ONLY Blocked _____ Register _____ Demos _____ Verify _____ IVIP _____ Verify _____		
	2. DATE OF BIRTH	3. RACE	4. SEX				
B	1. RT. THUMB	2. RT. FOREFINGER	3. RT. MIDDLE FINGER	4. RT. RING FINGER	5. RT. LITTLE FINGER		
	6. LT. THUMB	7. LT. FOREFINGER	8. LT. MIDDLE FINGER	9. LT. RING FINGER	10. LT. LITTLE FINGER		
LEFT FOURFINGERS TAKEN SIMULTANEOUSLY			LT. THUMB	RT. THUMB	RIGHT FOURFINGERS TAKEN SIMULTANEOUSLY		
C	5. IMPRESSIONS TAKEN BY		6. BADGE NO.	7. DATE PRINTED			
	8. REVIEWED BY		9. AGENCY		10. SIGNATURE OF PERSON PRINTED (IN OWN WRITING)		
					11. ADDRESS		
				12. CITY		13. STATE	14. ZIP CODE

4.9 RI-7 Arrest Card (Rev. 10/90)**FINGERPRINT SIDE - Areas "A" thru "C"**

Here are examples and shorthand designations for completing the print side of the RI-7.

Area "A"**1 - NAME AT ARREST (LAST, FIRST, MIDDLE)**

It's important to spell the names correctly and to obtain the full middle name, if possible.

2 - DATE OF BIRTH

This must be shown as a six digit number: first two digits are the month, second or middle two digits are the day, last two digits are the last two numbers in the year.

[EXAMPLE: 01-30-87]

3 - RACE

Given as:

I - American Indian or Alaskan Native

A - Asian or Pacific Islander

B - Black

W - White

U - Unknown

4 - SEX

Given as:

M - Male

F - Female

U - Unknown, for individuals having a sex change operation or individuals of questionable sex (Female Impersonator).

MSP USE ONLY

Do not write in this box.

Area "B"**FINGERPRINT IMPRESSIONS**

Individual impressions should match the description given in the box. To get a good set of prints, make sure you ink properly and roll nail to nail. Take fingerprints first before filling out information. This will save time and effort should the first impressions smear or do not clearly print on the card.

Area "C"

Note: Boxes 5-9 are to be completed by person taking prints. Boxes 10-14 are to be completed by subject. If the subject refuses to sign, write "refused" in the block.

5 - IMPRESSIONS TAKEN BY

This is the signature of the person actually taking the fingerprints of the subject.

6 - BADGE NO.

If a sworn officer, include the badge number.

7 - DATE PRINTED

Could be different than date of arrest.

8 - REVIEWED BY

This is the name of the supervisor or person approving quality of print impressions.

9 - AGENCY

Name of agency taking impressions.

10 - SIGNATURE OF PERSON PRINTED (IN OWN WRITING)

The complete name is entered here.

11 - ADDRESS

Current building number and street address where the subject is residing. The address shown will be the address CRD will use if prints are to be returned to the subject.

12 - CITY

Current city in which the subject resides.

13 - STATE

Current state in which the subject resides.

14 - ZIP CODE

Corresponding to the address given above.

PLEASE COMPLETE SECTIONS D thru F WITH TYPEWRITER ONLY

D	15. NAME AT ARREST (LAST, FIRST, MIDDLE)						16. DATE OF BIRTH		50. BID NO.									
	17. RACE	18. SEX	19. HT.	20. WT.	21. HAIR	22. EYES	23. DRIVERS LIC. NO. (STATE)		24. SOCIAL SECURITY NUMBER.									
	25. STATE OF BIRTH		26. MARKS, SCARS, AMPS, TATTOOS, ETC				27. ADDITIONAL NAMES (LAST, FIRST, MIDDLE)											
E	28. MOST SERIOUS CHARGE (DESCRIPTION)		29. MODIFIED UCR	30. F/M/O { }	31. INCIDENT NUMBER		32. MOST SERIOUS PACC CHARGE CODE		33. CRIMINAL TRACKING NO.									
									<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>34.</td> <td>35.</td> <td>36.</td> <td>37.</td> </tr> <tr> <td>CHARGED</td> <td>RELEASED</td> <td>DIVERSION</td> <td>JUVENILE</td> </tr> </table>		34.	35.	36.	37.	CHARGED	RELEASED	DIVERSION	JUVENILE
	34.	35.	36.	37.														
	CHARGED	RELEASED	DIVERSION	JUVENILE														
	28. MOST SERIOUS CHARGE (DESCRIPTION)		29. MODIFIED UCR	30. F/M/O { }	31. INCIDENT NUMBER		32. MOST SERIOUS PACC CHARGE CODE		33. CRIMINAL TRACKING NO.									
									<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>34.</td> <td>35.</td> <td>36.</td> <td>37.</td> </tr> <tr> <td>CHARGED</td> <td>RELEASED</td> <td>DIVERSION</td> <td>JUVENILE</td> </tr> </table>		34.	35.	36.	37.	CHARGED	RELEASED	DIVERSION	JUVENILE
	34.	35.	36.	37.														
	CHARGED	RELEASED	DIVERSION	JUVENILE														
	28. MOST SERIOUS CHARGE (DESCRIPTION)		29. MODIFIED UCR	30. F/M/O { }	31. INCIDENT NUMBER		32. MOST SERIOUS PACC CHARGE CODE		33. CRIMINAL TRACKING NO.									
								<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>34.</td> <td>35.</td> <td>36.</td> <td>37.</td> </tr> <tr> <td>CHARGED</td> <td>RELEASED</td> <td>DIVERSION</td> <td>JUVENILE</td> </tr> </table>		34.	35.	36.	37.	CHARGED	RELEASED	DIVERSION	JUVENILE	
34.	35.	36.	37.															
CHARGED	RELEASED	DIVERSION	JUVENILE															
38. WARRANT HOLDING AGENCY		39. DATE OF ARREST	40. PROSECUTING AGENCY			41. COURT OF JURISDICTION / ARRAIGNMENT												
42. WARRANT HOLDING AGENCY ORI			43. PROSECUTING AGENCY ORI			44. COURT JURISDICTION / ARRAIGNMENT ORI												
G	MSP USE ONLY		RI-7 (10/90) IMPORTANT		Michigan Department of State Police CENTRAL RECORDS DIVISION 7150 Harris Drive Secondary Complex Lansing, Michigan 48913		ARREST.											
	1. CODE	_____	This card starts State of Michigan procedures for Criminal Records Reporting (CRR). For proper tracking of defendant and to allow proper disposition reporting, prepare both sides of this form carefully and submit according to CRR guidelines		AUTHORITY: MCL 20.246, Act 231, 1986 COMPLETION: Required PENALTY: \$100 / 60 days / removal from office													
2. SEARCH	_____																	
3. CHR ENTRY	_____																	
4. CHR VERIFY	_____																	

INFORMATION SIDE - Areas D thru G**Area "D"****15 - NAME AT ARREST (LAST, FIRST, MIDDLE)**

Use same name as entered in Box A-1 on Fingerprint Side.

16 - DATE OF BIRTH

Enter as in Box A-2 on Fingerprint Side.

50 - SID NO.**17 - RACE**

Enter code as in Box A-3 on Fingerprint Side.

18 - SEX

Enter code as in Box A-4 on Fingerprint Side.

19 - HT.

Given in feet as one digit and inches as two digits.

[EXAMPLE: 5'10"]

20 - WT.

Given in two or three digits.

[EXAMPLE: 96 or 150]

21 - HAIR

Given as:

AUB - AUBURN
BAL - BALD
BLK - BLACK
BLN - BLOND
BRO - BROWN
GRY - GRAY
PGY - PART GRAY
RED - RED
SDY - SANDY
STR - STRAWBERRY

22 - EYES

Given as:

BLK - BLACK
BLU - BLUE
BRO - BROWN
GRN - GREEN
HAZ - HAZEL
MAR - MAROON
MUL - MULTI-COLOR

23 - DRIVERS LIC. NO. (STATE)

Include the letter prefix or prefixes for the appropriate state.

[EXAMPLE: MI for Michigan]

24 - SOCIAL SECURITY NUMBER

Federal social security number given as a nine digit number.

25 - STATE OF BIRTH

Two digit alpha code for the state in which the subject was born.

26 - MARKS, SCARS, AMPUTATIONS, TATOOS, ETC.

Describe any abnormality and give the location as left-right arm, hand, torso, leg, etc. Also to explain missing digits (Amp, Missing at Birth, Broken or Bandaged).

27 - ADDITIONAL NAMES (LAST, FIRST, MIDDLE)

Other names the subject has used. It's important to spell the names correctly and to obtain the full middle name, if possible. Do not add nicknames.

Area "E"

Area "E," Items 28 through 37, have three lines to allow for multiple offenses [one offense per line]. Use the additional lines when entering more than one offense. If more than three warrants are to be sought, fill out additional print cards.

28 - MOST SERIOUS CHARGE (DESCRIPTION)

Enter the common description of the most serious offense for which the subject was arrested.

29 - MODIFIED UCR

This is a four digit UCR code. See Appendix for list of codes.

30 - F/M/O

Given as:

"F" - FELONY

"M" - MISDEMEANOR

"O" - MUNICIPAL ORDINANCE that corresponds substantially to state law

31 - INCIDENT NUMBER**32 - MOST SERIOUS PACC CHARGE CODE**

This code is determined by the Prosecutor's Office, along with possible alpha characters:

A - Attempted

C - Conspiracy

S - Solicited

33 - CRIMINAL TRACKING NO.

This is a 12-digit number, a CTN, assigned by the Prosecuting Attorney to link each defendant to a specific warrant. The CTN is the basis for tracking the defendant through the arrest, trial, and disposition procedures.

34 - CHARGED

The Prosecutor marks this box when the subject is charged with an offense.

35 - RELEASED

The Prosecutor marks this box when No Charge is Authorized.

36 - DIVERSION

The Prosecutor marks this box when the subject meets the requirements for a prosecutor diversion program. For a court diversion program, Prosecutor marks Box 6 "CHARGED."

37 - JUVENILE

The Prosecutor marks this box when the subject involved is petitioned as a juvenile.

Area "F"**38 - WARRANT HOLDING AGENCY**

This is the name of the warrant holding department.

39 - DATE OF ARREST

Might not be the same as the date printed.

40 - PROSECUTING AGENCY

Name of the office issuing the warrant.

41 - COURT OF JURISDICTION/ARRAIGNMENT

Name of court with jurisdiction in this case.

42 - WARRANT HOLDING AGENCY ORI

LEIN designator for the warrant holding agency.

43 - PROSECUTING AGENCY ORI

The LEIN designator for the office issuing the warrant.

44 - COURT JURISDICTION/ARRAIGNMENT ORI

LEIN designator for the court of jurisdiction.

Area "G"**MSP USE ONLY**

Do not write on this box.

4.10 Arrest Cards

In addition to any local or internal documentation of arrests that may be required, law enforcement agencies work with three different arrest cards.

- **RI-7 Fingerprint Card.** This is the basic Michigan CRR document. Section 4.9 illustrates the revised RI-7 and instructions for completion.
- **Note:**
Only the 10/90 revision of the RI-7 card is valid for submission to CRD. Earlier revisions should be discarded and new forms requested when needed.
- **FBI Arrest Card.** Follow FBI instructions for information required on the Federal arrest card. CRD is designated to receive arrest and disposition information for the FBI. Care should be taken to insure that information provided on the FBI card matches the RI-7.

- **Identification Prints.** MCL 28.243 provides for taking "fingerprints of a person arrested for a misdemeanor . . . who fails to produce satisfactory evidence of identification." CRD supplies the RI-75 "Identification Only" card for this purpose. The arresting agency rushes the card to CRD via courier or express mail. CRD provides priority processing and expedites return of information to the arresting agency. CRD does not maintain a record of the RI-75 and must not use it later to bring a felony/misdemeanor prosecution.

- **Note:**
Do not confuse the RI-75 "Identification Only" card described above with the RI-8 "Applicant and Personal Identification" card. The RI-8 has no connection with arrest reporting.

4.11 Refusal to Submit

MCL 28.245a defines refusal to submit to fingerprinting as a misdemeanor. With concurrence of the prosecutor, a law enforcement agency may hold a subject in confinement until arraignment at which time the magistrate may order fingerprinting. (See court procedures for form MC 233 "Order for Fingerprints" in Section 9.6.)

RI - 75		RI - 75		IDENTIFICATION ONLY		RI - 75		RI - 75	
1 NAME (LAST, FIRST, MIDDLE, INITIAL)		2 AKA		3 SEX		4 DATE OF BIRTH		IDENTIFICATION RI - 75 (REV. 88) State of Michigan Department of State Police CENTRAL RECORDS DIVISION 1140 State Drive Lansing, Michigan 48913 AUTHORITY: MCL 28.241, Act 231, 1986 COMPLETION: Required PENALTY: \$10000 and removal from office	
5 (PRINT) SIGNATURE (PRINT NAME)		6 (PRINT) SIGNATURE (PRINT NAME)		7 (PRINT) SIGNATURE (PRINT NAME)		8 (PRINT) SIGNATURE (PRINT NAME)			
9 (PRINT) SIGNATURE (PRINT NAME)		10 (PRINT) SIGNATURE (PRINT NAME)		11 (PRINT) SIGNATURE (PRINT NAME)		12 (PRINT) SIGNATURE (PRINT NAME)			
IMPORTANT: Make sure you get a good set of fingerprints									
1 RIGHT THUMB		2 RIGHT FORE FINGER		3 RIGHT MIDDLE FINGER		4 RIGHT RING FINGER		5 RIGHT LITTLE FINGER	
6 LEFT THUMB		7 LEFT FORE FINGER		8 LEFT MIDDLE FINGER		9 LEFT RING FINGER		10 LEFT LITTLE FINGER	
11 LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		12 LEFT THUMB		13 LEFT THUMB		14 RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY		15 RIGHT THUMB	
RI - 75		RI - 75		IDENTIFICATION ONLY		RI - 75		RI - 75	

Section 5

Prosecuting Attorney Procedures

Prosecuting Attorneys' offices are the key communication links for handling Criminal Records information.

5.1 PAAM and PACC

Prosecuting Attorney offices are represented in the development of Michigan's CRR system through two bodies: the Prosecuting Attorneys Association of Michigan (PAAM) and the Prosecuting Attorneys Coordinating Council (PACC). PACC is governed by a five member council consisting of the Attorney General of Michigan and four Prosecuting Attorneys. The responsibilities of PACC include the development and assignment of charge codes which are used to define and specify offenses within the criminal reporting system.

The Prosecuting Attorneys Association of Michigan (PAAM) is a non-profit organization comprised of 83 county prosecutors, the Attorney General, and Michigan's U.S. Attorneys. PAAM, through its officers, Board of Directors, and committees represents the Prosecuting Attorneys on such issues as computerized criminal history, automated fingerprint identification system, and in continuing dialogue with courts and police agencies.

5.2 Office Procedures

In addition to the assignment of essential reporting elements, Prosecuting Attorney offices are transfer points of CRR documents. The following sections cover several important procedures:

- Criminal Tracking Number System
- PACC Charge Codes
- RI-7 Handling
- Warrants and Complaints
- Charge Codes on Dispositions

5.3 Criminal Tracking Number (CTN)

It may be helpful to review Section 3.5 that describes the CTN and explains the importance of proper assignment of CTN's to reporting documents.

All prosecutors should have an established system for assignment and control of CTN's.

- **Authorized Charges.** For any authorized criminal warrant, the prosecutor assigns a CTN for each defendant. If a prosecutor charges a single defendant on multiple warrants, the prosecutor must assign multiple CTN's, one to each warrant. The revised RI-7 allows up to three warrants, each with a different CTN. If more than three warrants, the warrant holding/seeking agency must provide one or more additional arrest cards.
- **Warrant not Authorized.** If the prosecutor decides not to authorize the charge on a warrantless arrest, no CTN need be assigned. (Also, there is no need to assign a PACC charge code.) Instead, the prosecutor marks "released" in box E35 on the RI-7 and sends it to CRD. After a file check, CRD returns the RI-7 to the subject if there was no previous arrest.

5.4 PACC Charge Code

PACC has attempted to include a charge code for all offenses in the PACC Warrant Manual. If a prosecutor charges a crime not in the Warrant Manual, the prosecutor's office should request a charge code from PACC. PACC will then distribute the new charge language and code number to prosecuting attorneys, the Attorney General's Office, the State Court Administrative Office, and CRD. In this manner, the system will eventually have a code for all criminal violations.

- **Warrant Manual.** It's important that people who assign PACC charge codes can easily access the current copy of the Warrant Manual. Similarly, the periodic Warrant Manual supplements need to circulate for use in updating the Manual.
- **Bench Guide.** The "Bench Guide" was printed for distribution to courts and prosecutors as a handy reference to PACC Charge Codes. The purpose of the guide was to resolve the problem of getting valid PACC codes placed on final disposition forms.

5.5 RI-7 Handling

The prosecutor must check all information on the RI-7 and fill in the CTN and PACC codes when the card is received from the warrant holding/seeking agency. At that point, all boxes on the RI-7 should be complete. See Section 4 for more information on the RI-7.

In processing fingerprint cards, the responsible person in the office should check for the following:

- **CTN for each warrant.** Make sure each warrant authorized has been assigned a unique CTN and entered on the RI-7.
- **PACC Charge Code.** Make sure each warrant has been coded. If a particular warrant includes more than one offense, assign the charge code for the offense with the most severe criminal penalty.
- **Photocopies.** Each warrant file for felonies and misdemeanors punishable by a sentence of over 92 days, \$1000 must have a copy of both sides of the RI-7. If the law enforcement agency made the copies before submission to the prosecutor, make sure that the CTN's and charge codes have been added to the copies for the court.
- **Quality Check.** Inspect the card for overall quality and accuracy. Do not let an obviously flawed card get any further into the system.
- **Send to CRD.** CRD provides pre-addressed envelopes for the prosecutor to forward RI-7's to Lansing.

5.6 Disposition Charge Code

A criminal court action often concludes with the defendant being found guilty of an offense different from that which appears on the warrant and RI-7. Up to this point, all of the CRR documents reflect the most serious PACC charge code assigned by the prosecutor.

To maintain CRR accuracy, court disposition documents must show the revised charge code, not the charge code used to start the proceedings.

To allow for differences between counties – and even between courts within a single county – there is no single statewide procedure for determining how the charge code is to be entered on court disposition forms. Every court needs to establish a procedure with clear individual responsibilities for ensuring accurate disposition charge codes.

5.7 Criminal Charging Forms

The prosecuting attorney's office originates warrants for both misdemeanor and felony charges.

Misdemeanor Complaint/Warrant DCY 225

Felony Information/Complaint/Warrant/Return to Circuit Court MC 200

Juvenile Court Petition JC 04

5.7.1 Instructions for Juvenile Petition Applications:

1. Assign CTN. PACC recommends that CTN sequence numbers for juveniles begin at 800,000 [e.g. 33-88-800001-01] in order to avoid confusion with adult CTN's.
2. Coordinate adult and juvenile assignments to insure no duplication.
3. Determine and fill in PACC charge codes.

The prosecuting attorney completes criminal charging forms to file a complaint and/or obtain a petition for a misdemeanor or a felony with the court. In addition, the felony form MC 200 provides for waiver of examination and for binding the defendant over to circuit court.

5.7.2 Instructions for Adult Arrest:

1. Complete all elements of the form – DCY 225 for misdemeanors and MC 200 for felonies.
 - Assign CTN
 - Determine and fill in PACC charge code.
2. For felonies or misdemeanors punishable sentences over 92 days, \$1000, attach photocopy of both sides of RI-7 Arrest Card to:
 - The complaint – if the warrant is issued after the defendant has been fingerprinted.
 - The warrant – upon return of the warrant to the court if the warrant is issued before the defendant is fingerprinted.
3. Submit form to the court.

5.7.3 Exceptions to Instructions:

The warrant holding/seeking agency is responsible for taking fingerprints or checking that they have been taken. Court should inspect file and verify that copy of fingerprints have been submitted. If fingerprints are not included, the magistrate will order fingerprinting at the time of arraignment.

Approved: SCAG		Original Complaint - Court Warrant - Court		2nd Complaint copy - Prosecutor 2nd Complaint copy - Defendant	
STATE OF MICHIGAN JUDICIAL DISTRICT		WARRANT MISDEMEANOR		CASE NO.	
ON: <input type="checkbox"/> M- Court address		Court telephone no.			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address		Victim or complainant	
<input type="checkbox"/> Co-defendant(s)		Complaining witness		Date: On or about	
City/Twp/Village	County in Michigan	Defendant CTH	Defendant SID	Defendant DOB	
Police agency report no.	Charge	Maximum penalty		Defendant DLN	
Witnesses					

STATE OF MICHIGAN, COUNTY OF _____

To any peace officer or court officer authorized to make an arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaint, I find probable cause to believe defendant committed the offense set forth. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the court immediately, or the defendant may be released when a cash or surety bond is posted in the amount of \$ _____ for personal appearance before the court.

(SEAL) Judge/Magistrate Bar no. _____

By virtue of the warrant the defendant has been taken into custody as ordered.

Date: _____ Peace officer

DC 225 (7-88) WARRANT, MISDEMEANOR

WARRANT MISDEMEANOR DC 225

Approved: SCAG		Information - Circuit court Original complaint - Court Warrant - Court		Bind over/Transfer - County/Juvenile court Complaint copy - Prosecutor Complaint copy - Defendant/Attorney	
STATE OF MICHIGAN JUDICIAL DISTRICT		WARRANT FELONY		CASE NO. DISTRICT CIRCUIT	
District Court OR: M-		Circuit Court OR: M-			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address		Victim or complainant	
<input type="checkbox"/> Co-defendant(s)		Complaining witness		Date: On or about	
City/Twp/Village	County in Michigan	Defendant CTH	Defendant SID	Defendant DOB	
Police agency report no.	Charge	Maximum penalty		Defendant DLN	
Witnesses					

STATE OF MICHIGAN, COUNTY OF _____

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaining witness, I find that the offense charged was committed and that there is probable cause to believe that defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the _____ District Court immediately.

☐ The defendant may be released before arraignment if \$ _____ is posted as interim bail by _____

(SEAL) Judge/Magistrate Bar no. _____

See return on reverse side.

MCL 754.1 et seq., MSA 38.880 et seq., MCL 756.1 et seq., MSA 39.618 et seq., MCL 757.1 et seq., MSA 28.941 et seq., MCR 6.102

MC 200 (5-91) FELONY SET. Warrant

WARRANT FELONY MC 200

Approved: SCAG		JSM COOR PET	
STATE OF MICHIGAN COUNTY OF _____		CASE NO.	
PETITION <input type="checkbox"/> Supplement			
PROBATE COURT - JUVENILE DIVISION			
ON: M-	Police agency report no.	CTH	SID DOB

- In the matter of (name(s), initials):
- The above named minor(s) come(s) within the provisions of MCL 712A.2. Citations and allegations:

☐ See attached sheet for further allegations ☐ Member of or eligible for membership in American Indian Tribe or Band, state above

- The minor ☐ is ☐ is not subject to the prior continuing jurisdiction of another court: _____ Court and county name
- The above named minor(s) is(are) resident(s) of _____ County, and reside(s) in the care and custody of _____
- The names and addresses of the parents, guardians, custodians, or nearest known relative are as follows:

NAME	ADDRESS	HOME PHONE	MOBILE PHONE
Father			
Mother			
Guardian/Custodian/Nearest known relative			

- I request the court to ☐ a. review the information and make an appropriate decision OR ☐ b. authorize this petition and ☐ take temporary custody of the minor(s) ☐ terminate the mother's parental rights ☐ terminate the father's parental rights

I declare that the statements above are true to the best of my information, knowledge, and belief

Petitioner's signature Date: _____ Agency/Address: _____

Print or type name: _____ City, state and zip: _____ Telephone no: _____

7. A preliminary inquiry and/or hearing has been conducted and the filing of this petition ☐ is ☐ is not authorized

Date: _____ Judge/Referee Bar no. _____

Do not write below this line - For court use only

JC 04 (6-90) PETITION MCR 6.931.9-941

JUVENILE COURT PETITION JC 04

Section 6

Forms of Arrest

This section provides summaries of network procedures for various forms of arrest.

6.1 Flow Charts

In this section, we present flow charts of procedures showing how the parts of the network relate in the CRR sequence. We begin with the two forms of "standard" arrests – warrantless and warrant – and then turn to six different variations.

6.2 Standard Arrests

In this section, the term "standard" only means that there are no variations from the most simple sequence of procedures. For both the standard warrantless and the standard warrant arrest we mean:

- no diversion or other exception
- one offense
- one warrant
- one adult defendant
- one charge

6.3 Warrantless Arrest

A warrantless arrest, also known as an "in-custody warrant request," involves fingerprinting of a suspect in police custody for criminal activity. In a warrantless arrest, the arresting agency is the first point of contact with the criminal suspect. The warrant holding/seeking agent is responsible for fingerprinting the suspect.

Even if the suspect may be held, or printed by another agency (i.e., county jail) the warrant holding/seeking agency is responsible for completing the RI-7.

Figure 6-1, "Warrantless Arrest" shows the flow of CRR procedures.

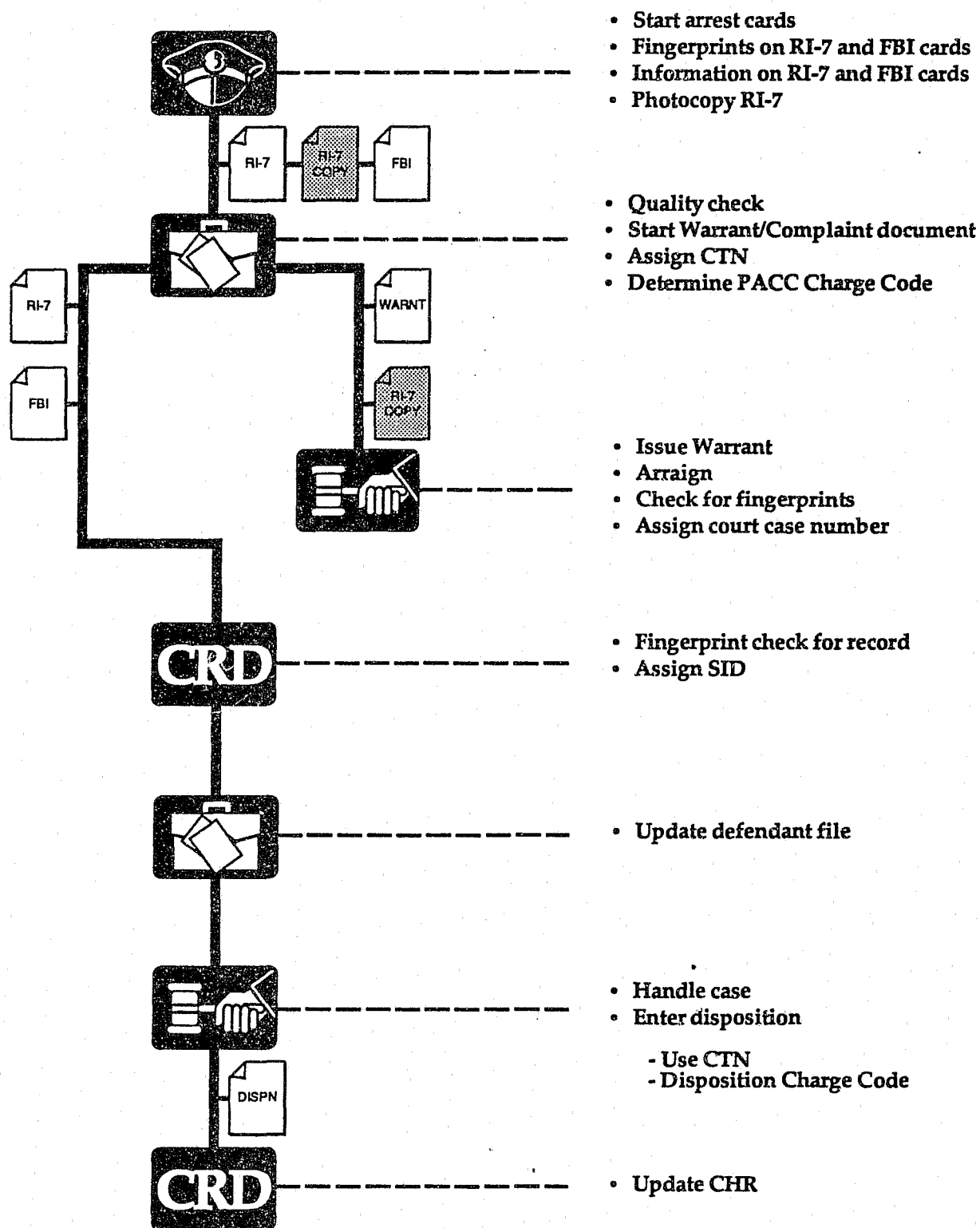


Figure 6-1
Warrantless Arrest

6.4 Warrant Arrest

A warrant arrest begins with the police obtaining a warrant against a defendant prior to arrest. When the warrant is issued, the police agency is instructed to make the arrest.

In the case of a "defendant-at-large," the warrant is entered in the Law Enforcement Information Network (LEIN) instructing all police agencies to seek out and detain the suspect. Upon arrest, it is the responsibility of the warrant holding/seeking agency to start the arrest card.

Figure 6-2 "Warrant Arrest" shows the flow of CRR procedures.

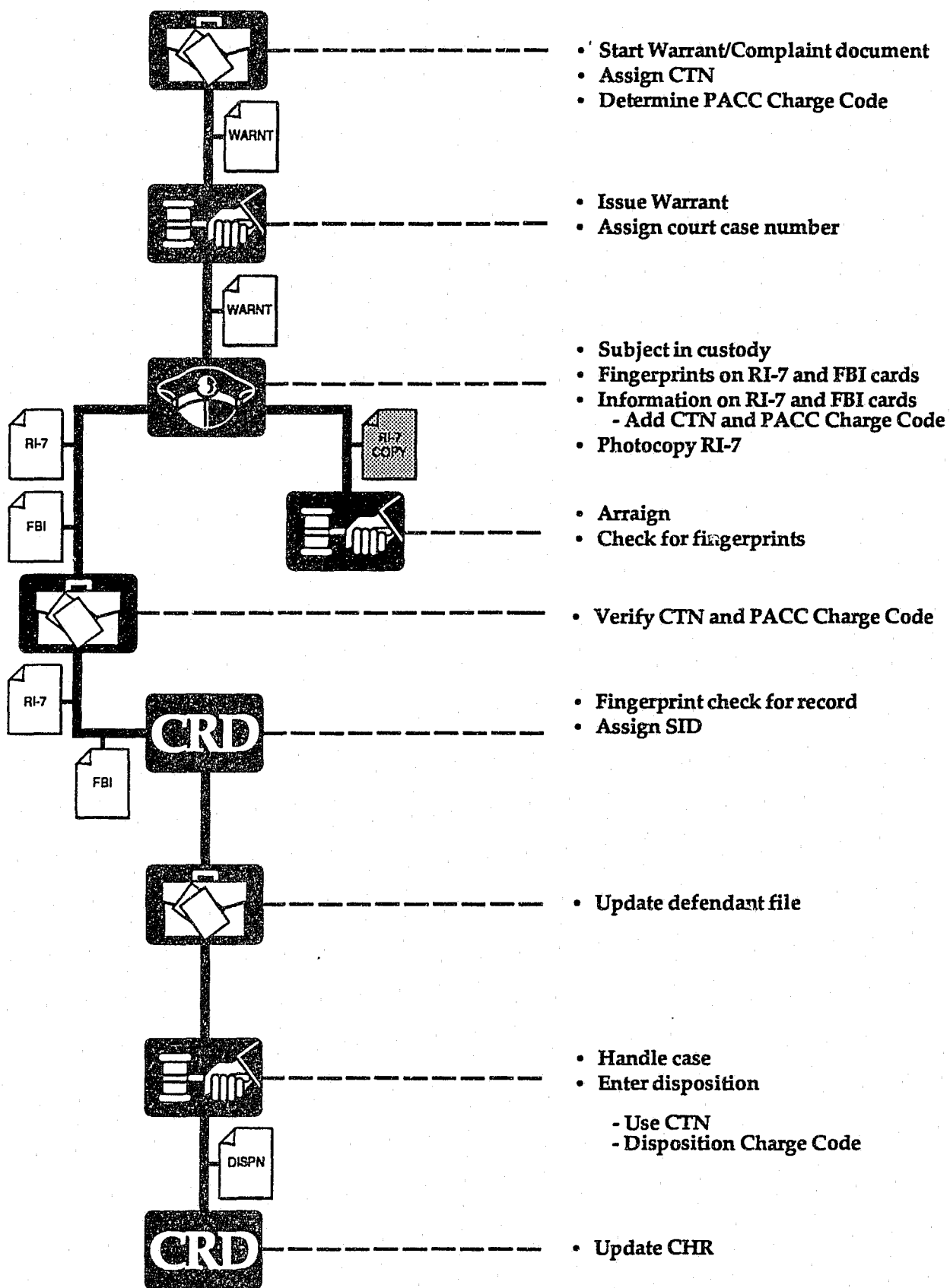


Figure 6-2
Warrant Arrest

6.5 Multiple Subjects

Individual defendants cannot be combined on RI-7's. When a criminal offense involves more than one subject, each subject must have a separate arrest card. The prosecutor must assign a unique CTN for each defendant. See Figure 6-3.

6.6 Multiple Warrants

The RI-7 arrest card allows for three warrants. Figure 6-4 shows the procedures for starting the CRR sequence when one subject is to be charged on more than one warrant. Note that each defendant on each warrant requires a unique CTN.

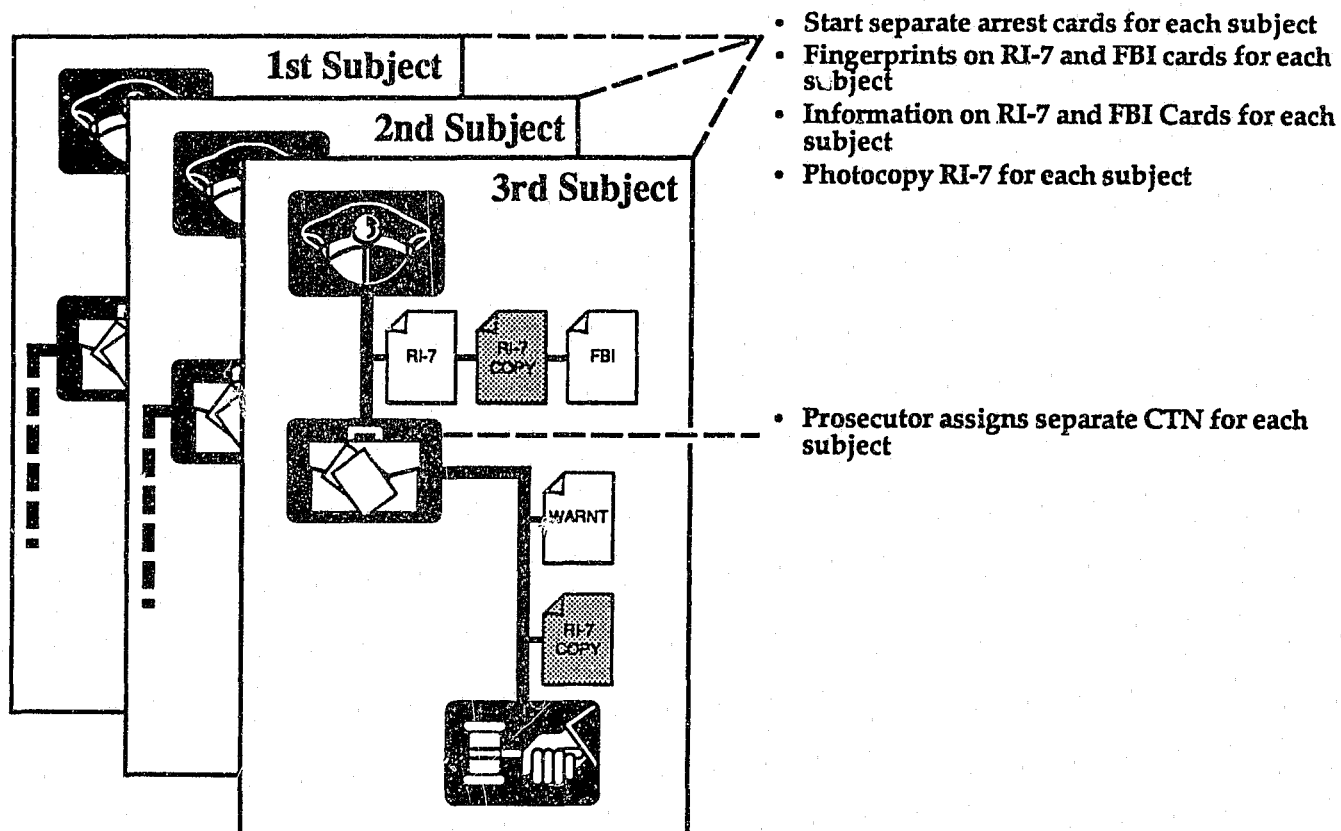


Figure 6-3
Multiple Subjects

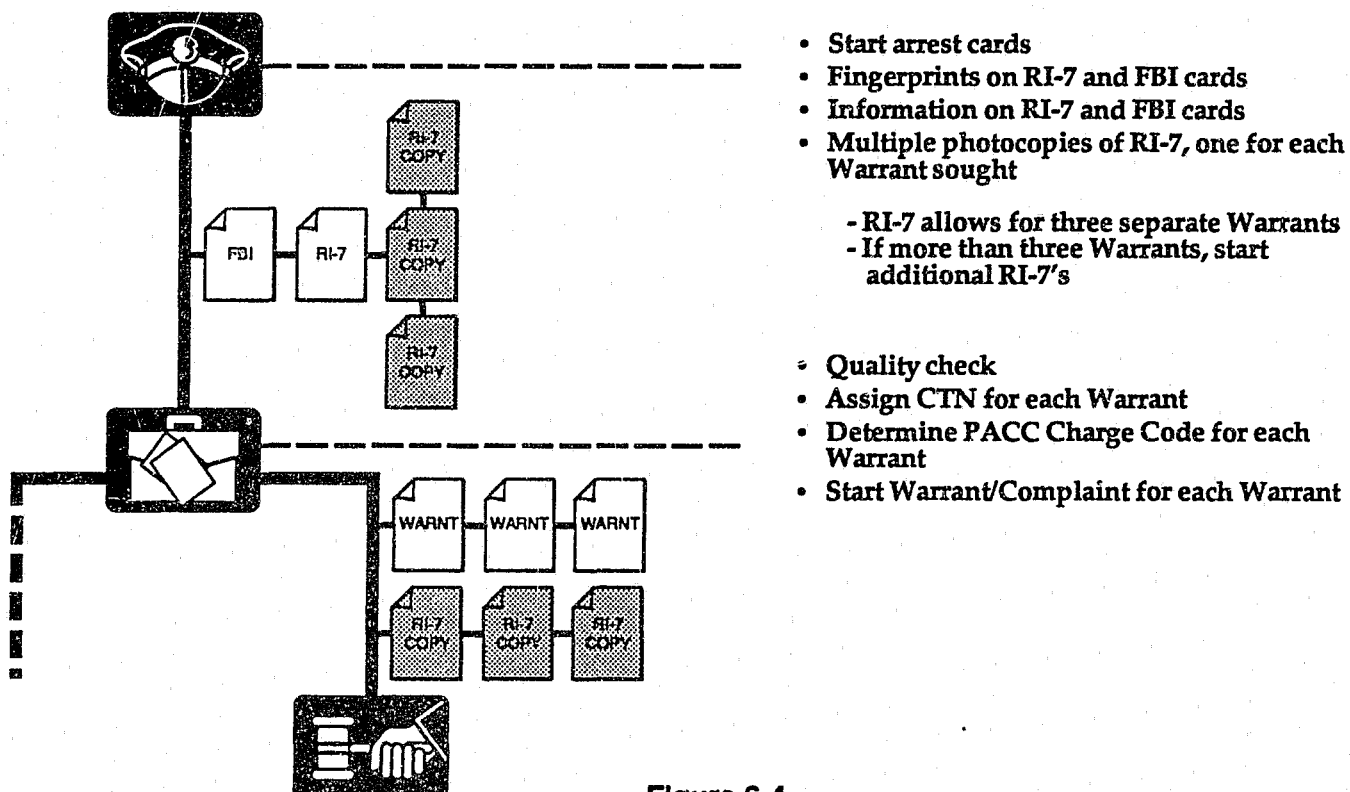


Figure 6-4
One Subject: Multiple Warrants

6.7 Warrant Deferred

A deferred warrant or "Prosecutor's Diversion" is shown in Figure 6-5. The prosecutor halts the CRR sequence by simply not acting on the warrant.

The prosecutor may hold the RI-7 until the diversion is completed. If the diversion is not successful, the cards may be processed as in a warrant arrest. (See Section 6.4)

If the diversion is successful or if the prosecutor submits the RI-7 prior to completion of the diversion, the prosecutor checks the diversion Box E36 on the RI-7. Copies of the RI-7 must be destroyed. Upon receiving RI-7's, CRD makes a file search and if there are no prior arrests, returns the arrest card to the subject.

If the diversion is unsuccessful, the court authorizes a new warrant the process begins again as a warrant arrest. (See Section 6.4)

6.8 Court Diversion

In terms of how CRD and the prosecutor handle the case, a Court Diversion is simply considered to be a type of case disposition. (See Section 6.4) For a Court Diversion Program, the Prosecuting Attorney processes the RI-7 as a warrant arrest.

6.9 Subject Released

If a subject is released prior to prosecutor contact, the law enforcement agency is responsible for returning the RI-7's to the subject upon a decision not to proceed further with the criminal action. (See Figure 6-6)

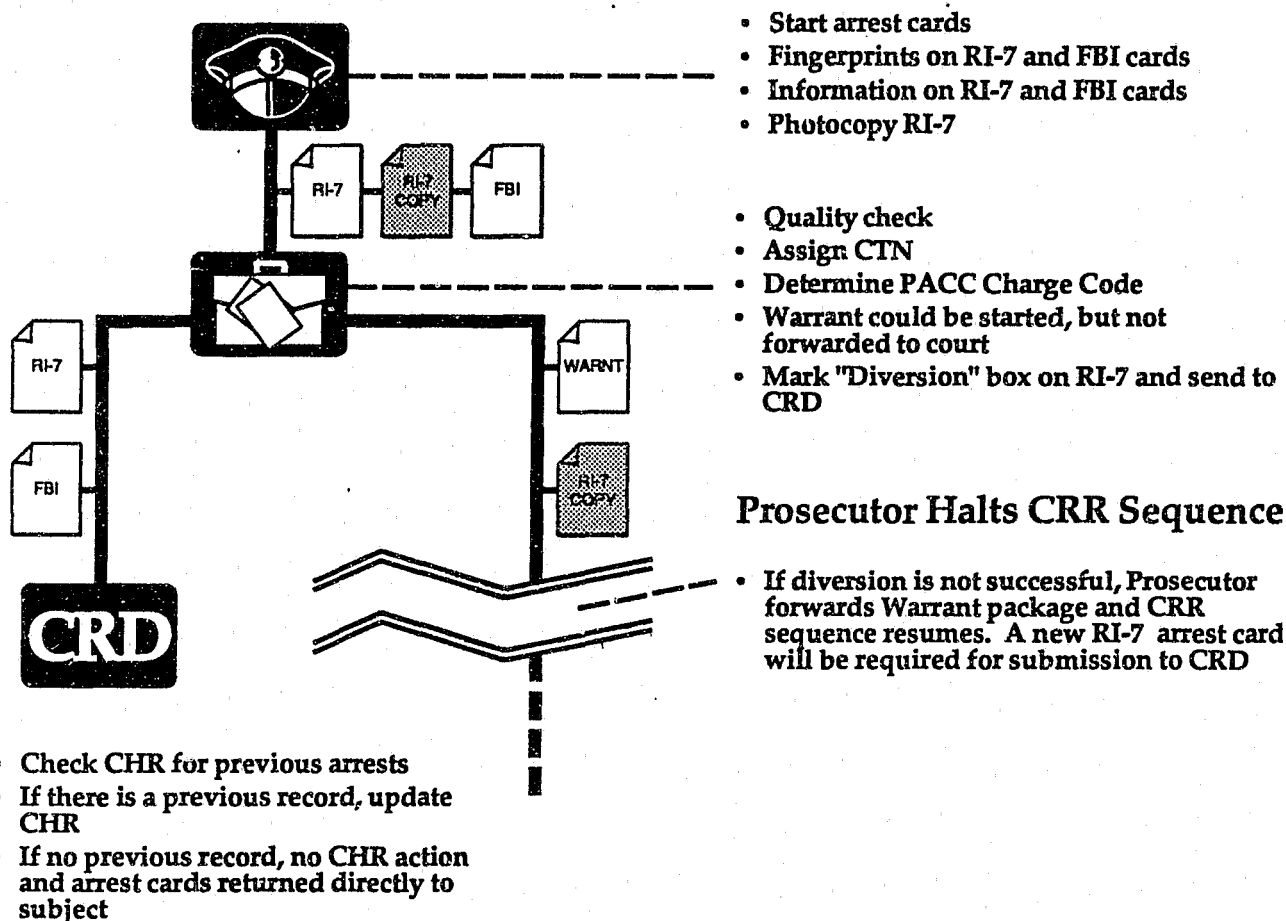


Figure 6-5
Warrant Deferred: "Prosecutor's Diversion"

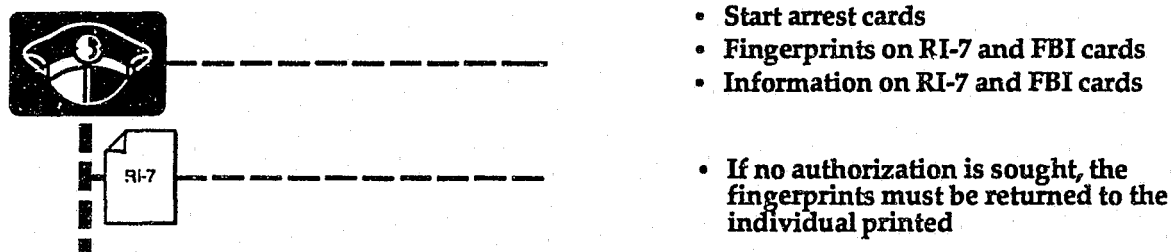


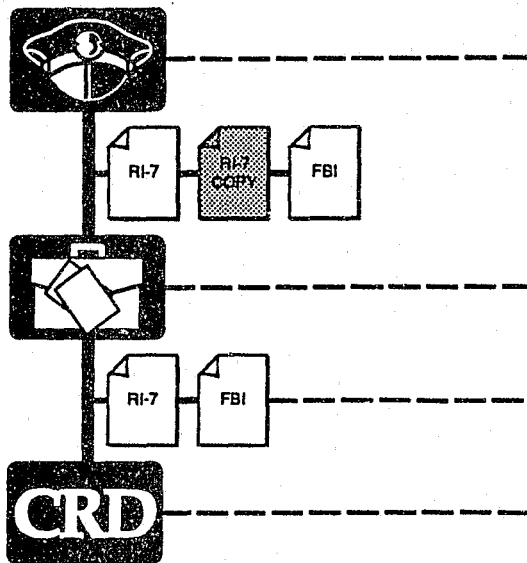
Figure 6-6
Subject Released Prior to Prosecutor Contact:
"Police Diversion" or "Released Because of
Insufficient Information"

6.10 Warrant Not Authorized (A)

This variation occurs when the prosecutor decides not to authorize a warrant. A subject in custody is released. The prosecutor assignment of a CTN is optional. The prosecutor checks the "Released" Box E35 on the RI-7 and forwards to CRD. As shown in Figure 6-7, CRD handling of the RI-7 depends upon whether or not the subject has a previous record.

6.11 Warrant Not Authorized (B)

As shown in Figure 6-8, this "insufficient information" variation differs from the sequence shown above in that the prosecutor requires more information to support a warrant. If the additional information is obtained, the original RI-7's - and the original CTN, if assigned, may be used to start a warrant. If the action is dropped, the RI-7's must be returned to the subject.



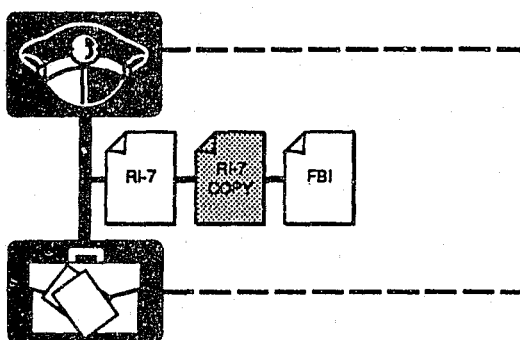
- Start arrest cards
- Fingerprints on RI-7 and FBI cards
- Information on RI-7 and FBI cards
- Photocopy RI-7

- Assignment of CTN is optional
- Checks the "Released" Box E35

- RI-7 and FBI cards forwarded to CRD

- Check CHR for previous convictions
- If there is a previous conviction, update CHR
- If no previous record, no CHR action and arrest cards returned directly to subject

Figure 6-7
Warrant Not Authorized (A)



- Start arrest cards
- Fingerprints on RI-7 and FBI cards
- Information on RI-7 and FBI cards
- Photocopy RI-7

- Assignment of CTN is optional
- Leave offense block blank
- Both cards returned to arresting agency
- RI-7 can be re-submitted to Prosecutor with required information

- OR -

- If no authorization is sought, cards must be returned to subject

Figure 6-8
Warrant Not Authorized (B)

Section 7

CRD Procedures

*CRD establishes the identity
of the subject and maintains the Criminal Record.*

7.1 Fingerprint Classification

CRD uses the RI-7 to classify fingerprints and search for a prior record. See Section 4.8 for more information on good fingerprint impressions and their importance in establishing identity.

7.2 Error Resolution

CRD has made provision for revisions, errors, or other corrections in CRR documents.

- **RI-7's.** If an RI-7 is submitted with errors or missing information, CRD highlights the blocks in question on a copy of the card and sends the copy to the submitting agency. The submitting agency makes the changes and returns the corrected copy to CRD.
- **Court Dispositions.** Improper or incomplete disposition forms will be returned to the court with the erroneous data highlighted. The court makes the corrections and sends them back to CRD.

- **Other CHR Information.** The originator of a document is responsible for ensuring the accuracy of Criminal History Records, and only the originator may instruct CRD to change submitted information. Computerized CHR's are corrected by sending CRD a LEIN printout with highlighted errors and noted corrections. Other CHR documents are corrected by sending CRD a copy of the document with the errors highlighted.

7.3 Identification Prints

CRD handles identification prints on an expedited basis. See Section 4.10 for a discussion of this procedure.

7.4 Federal Arrest Cards

CRD is a state single source and handles the submission of arrest and disposition information to the Federal Bureau of Investigation.

Section 8

Corrections

The Department of Corrections (DOC) prepares background information reports, carries out court sentencing, and serves as a detaining center for convicted felons and misdemeanants.

8.1 Basic Forms

There are two basic forms which the Department of Corrections (DOC) prepares to provide information to the courts and to CRD concerning convicted felons and misdemeanants:

- Presentence Investigation Report (PSI)
- Basic Information Report (BIR)

☐ **Note**

When submitting any forms including print cards to CRD, make sure to use the PACC code as it appears on Judgment of Sentence – Commitment to Corrections Department form MC 219b received from the court.

8.2 Presentence Investigation Report (PSI)

This report is filled out by a DOC probation agent at the request of the court after the felon/misdemeanant has been convicted, but before sentencing has occurred. The report includes a structured narrative of the agent's findings including:

- the felon's or misdemeanant's personal history

- a description of the specific crime(s) committed
- results of interviews with the victim(s) and with the felon/misdemeanant's family, co-workers, and other acquaintances.

A summary of the information gathered becomes the first page of this report.

8.3 Basic Information Report (BIR)

The BIR is also a summation of the information contained in the PSI, but it includes more data on the current conviction(s) and an area for the disposition(s) to be entered at the time of sentencing.

The completed BIR is returned to the probation agent.

8.4 PSI/BIR Submission

When a prison term is imposed by the court, both the PSI and the BIR are delivered by the county sheriff to the appropriate DOC reception center at the time the inmate is signed over to the Department of Corrections.

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT DISCLOSURE

AUTHORITY GCR 1963, 785.12
Attorney General Opinion No. 5478
COMPLETION: Voluntary
PENALTY: None
CSJ-495

DATE _____

Dear Judge:

☐ Pursuant to GCR 1963, 785.12, _____
Prison Number _____, who was sentenced out of your court on a term of _____
years for _____, on _____
has requested permission to review the pre-sentence report.

☐ Pursuant to GCR 1963, 785.12, Attorney _____, Bar Card Number _____
has requested permission to review the pre-sentence investigation report of _____
Prison Number _____, who was sentenced out of your
court to a term of _____ years for _____
on _____.

The Attorney General, in Opinion No. 5478, states the pre-sentence report should be reviewed by the
sentencing judge for determination as to which, if any, parts of the report should not be disclosed.
Therefore, please indicate below what parts of the report are not to be disclosed.

- ☐ No exemptions
☐ An abridged report is attached
☐ Exempt the following part(s):

Signature _____

Please return this letter to the address indicated below. I thank you for your assistance in this
matter.

Sincerely,

PSI Form

Michigan Department of Corrections
BASIC INFORMATION REPORT
4835-6101
CFJ-101 4/91

KIDOC No. _____ Court Name (Last, First, Middle) _____

Alias or Maiden Name _____ Given Name _____

Place of Birth _____ Citizenship _____ DOB _____ Last Known Address & Telephone No. _____

STATE & DJJ _____

SIN _____ SID No. _____

YBI No. _____ Race _____ Sex _____ Hair _____ Eyes _____

Height _____ Weight _____ Highest Grade Completed _____ Occupation _____ Health Ins. _____ Assets of \$1,500 & Up _____ Monthly Income of \$75 & Up _____

Mental Status _____ Dependence _____ Religion _____ Military Branch _____ From - To _____ Discharge Type _____

INTER, STATE, AMBULATORY, TUBERC _____ Drug Abuse _____ Alcohol Abuse _____ Known Homosexual _____ Mental Health Treatment _____

CRIMINAL HISTORY

JUVENILE				ADULT				Status at Time of Offense	
Comm.	Prob.	Fac.	Jail	Prob.	Prob.	Fac.	Prob.	Fac.	
									None
									HYTA
									Parole
									Jail
									State Prisoner
									On Bond

CSC Convictions _____ Age of First Arrest _____ SAI Eligible _____
Pending Charge in Court No. Prior Felony Convictions _____

CURRENT OFFENSE DATA

No. 1 Docket No. _____ No. 2 Docket No. _____

PACC Code _____ Offense _____ PACC Code _____ Offense _____

Max. _____ Circuit _____ Judge _____ Max. _____ Circuit _____ Judge _____

Code/Defendant(s) _____ Code/Defendant(s) _____

Date of Offense _____ Victim(s) Relationship _____ Date of Offense _____ Victim(s) Relationship _____

Date of Arrest _____ Date of Arrest _____

Date of Bond _____ Attorney _____ App'd _____ Date of Bond _____ Attorney _____ App'd _____

Method of Disp. _____ Plea _____ HYTA _____ Date of Conviction _____ Method of Disp. _____ Plea _____ HYTA _____

Bench _____ Sec. 7411 _____ Note Cont. _____ Bench _____ Sec. 7411 _____ Note Cont. _____

Jail Credit _____ Guilty But Mentally Ill _____ Y/N _____ Jail Credit _____ Guilty But Mentally Ill _____ Y/N _____

Type of Report _____ PSI Up date _____ County _____ Recommended Disposition _____ Agent & Custodian No. _____ Prob. Viol. - New Sentence _____ Prob. Viol. - Technical _____

HYTA/Delay Update _____ Y/N _____ Prob. Viol. - Technical _____ Y/N _____

SENTENCING GUIDELINE RANGE _____ Low _____ High _____ Not Applicable _____

DISPOSITION

Sentence Type	Date	CTN	Yrs.	Mo.	Days	Yrs.	Mo.	Days	Fine	Cost	Rest.	Jail	Mo.	Days

BIR Form

Section 9

Court Procedures

Michigan's Courts approve warrants to start criminal actions and conclude the CHR sequence by reporting case dispositions.

9.1 Fingerprint Orders

Courts must check that fingerprints have been taken. All of the arrest sequences shown in Section 6 include provision for the prosecutor to forward photocopies of the RI-7 to the court.

If the court file does not show that prints have been taken, the court must order fingerprinting. See instructions for Form MC 233 in Section 9.6.

9.2 Criminal Charging Forms

Section 5.7 covered the prosecutor actions in starting the complaint and warrant procedure. For a criminal action to proceed, the court must file these charging forms.

9.3 Case Dispositions

The Clerk of the Court is responsible for reporting the disposition of criminal cases to CRD.

- **Applicable Offenses.** The procedures discussed here apply specifically to criminal cases originally charged as felonies or misdemeanors punishable by imprisonment for more than 92 days. For other misdemeanor reporting policies, see Section 11.
- **Reporting Elements.** The CRR codes and reporting elements are covered in Section 3.
- **Mail Requirements.** The court should make a practice of mailing all disposition forms that have been tried during the week to CRD together. "Judicial Disposition Reporting Envelopes" (RI-35) can be ordered by using the "REQUEST FOR STATE POLICE FORMS" (Michigan State Police ADM-31).

Mail To:

Michigan Department of State Police
714 S. Harrison Rd.
East Lansing, MI 48823

9.4 Crime and Charge Code

In cooperation with the prosecutor, the court ensures that the crime and charge codes reported in the disposition are accurate. Each court must establish a procedure for changing the crime and PACC charge codes on court documents if the offense at time of disposition is different than the original charge. Use of the "Bench Guide" described in Section 5.4 will be helpful in setting up such a procedure.

9.5 Sentence Modifications

MCL 769.16a (1) requires the court to notify CRD of sentence modifications, or if a new final order or judgment replaces a prior final order or judgment. However, only amend a disposition to reflect a major change (i.e. sentence to prison because of a probation violation, dismissal/acquittal on appeal, etc.). Do not report minor modifications such as extension of probation or sentence to county jail for probation violation, or sentence to jail for failure to pay fines/cost.

The disposition form for sentence modifications must have "AMENDED" written or typed at the top of the form. The original CTN and court file number are used for the modification.

9.6 Disposition Forms:

The State Court Administrative Office has approved the following forms for reporting dispositions:

- MC 233 Order for Fingerprints
- MC 229 Petition and Bench Warrant
- MC 220 Warrant Recall
- MC 219 Judgment of Sentence – Commitment to Jail
- CC 219b Judgment of Sentence – Commitment to Corrections Department
- DCY 250 Felony – Register of Actions
- DCY 251 Misdemeanor – Register of Actions
- MC 263 Motion/Order of Nolle Prosequi
- MC 262 Order of Acquittal/Dismissal
- MC 207 Commitment Order – Not Guilty by Reason of Insanity
- MC 242 Assignment to Status of Youthful Trainee
- MC 243 Order of Probation
- MC 245 Petition and Order for Discharge from Probation
- MC 228 Order Setting Aside Conviction
- MC 235 Order for Return of Prints
- JC 14 Order Of Disposition
- JC 25 Order For Disposition Commitment or Referral to Department of Social Services

Section 10 covers all Juvenile forms and procedures including JC 14 and JC 25 mentioned above. The balance of this section on court procedures covers the CRR reporting elements on these forms along with any special instruction and exceptions.

Approved, SCAD		Original: Court 1st copy: Defendant/Attorney 2nd copy: Police	
STATE OF MICHIGAN JUDICIAL DISTRICT COUNTY PROBATE		ORDER FOR FINGERPRINTS	
ORI		CASE NO.	
Mt.	Court address	Court telephone no.	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____	Defendant's name, address, and telephone no. CTN _____		
<input type="checkbox"/> Juvenile In the matter of _____			
IT IS ORDERED:			
1. <input type="checkbox"/> a. Defendant/Juvenile shall go to _____ Police agency _____ so that fingerprints can be taken before _____ Next scheduled court date _____ or <input type="checkbox"/> b. The sheriff shall take custody of the defendant/juvenile to take defendant's/juvenile's fingerprints.			
2. The clerk shall forward immediately a copy of this order with an attached copy of the complaint, petition, or information to the police agency required to take fingerprints.			
3. Unless otherwise incarcerated, defendant/juvenile shall be released immediately after fingerprints are taken.			
4. Refusal to submit to fingerprinting may subject the defendant/juvenile to contempt or criminal charges.			
Date _____	Judge _____	Bar no. _____	
CERTIFICATE OF SERVICE			
I certify that on this date copies of this order were served on the parties by <input type="checkbox"/> ordinary mail <input type="checkbox"/> personal service			
Date _____	Court clerk _____		
CERTIFICATE OF FINGERPRINTING			
I certify that two sets of fingerprints were taken, and that I sent both originals to the prosecutor and a photocopy to the court.			
Date _____	Signature _____		
Name (type or print) _____			
MC 233 (2-68) ORDER FOR FINGERPRINTS		MCL 754.29, MSA 28.1072(1), MCL 769.1, MSA 28.1072	

FINGERPRINTING

Order for Fingerprints MC 233

The court uses the Order for Fingerprints form to order fingerprinting of a defendant who has not yet been fingerprinted by the time of arraignment or petition authorization. Fingerprinting may be ordered only for defendants originally charged with a felony or misdemeanor punishable by imprisonment for more than 92 days (MCL 764.29, MCL 769.1).

Fingerprint orders do not give law enforcement agencies the right to arrest and fingerprint in situations where individuals are not already in custody. Individuals named in fingerprint orders have the right to come to law enforcement on their own. If they do not appear within a specified period, then law enforcement can file a bench warrant request.

Instructions:

1. If no RI-7 photocopy is attached to the warrant, complaint, or petition, complete the Order for Fingerprints MC 233.
2. Send the form to the agency which is to do the fingerprinting. Do not submit the form to CRD.

BENCH WARRANT

Petition and Bench Warrant MC 229

Warrant Recall MC 220

The Petition and Bench Warrant form and the Warrant Recall form record and report the process of petitioning for a warrant, issuing a warrant, taking the subject into custody, and recalling the warrant after the subject has appeared in court. Both forms are used by district and circuit courts to report to CRD only when the Bench Warrant is issued prior to sentencing.

Instructions:

Petition and Bench Warrant MC 229

1. Enter all of the required CHR Disposition Reporting Data Elements.
2. Submit copy of completed form to CRD if the Bench Warrant is issued before the defendant is sentenced or discharged. Send the CRD copy at the same time the Bench Warrant is given to the arresting agency for entry into the LEIN system.

Warrant Recall MC 220

1. Enter all of the required CHR Disposition Reporting Data Elements.
2. Submit copy of completed form to CRD if a Bench Warrant was previously submitted to that agency for that CTN and the case is pending final disposition.
3. If the case is disposed immediately after appearance on the Bench Warrant, send a copy of the dispositional form used to CRD.

Approved: SCAO		PROBATE JDC CODE BW Original - Police Copy - Court	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		CASE NO.	
DAI MI-	Court address	Court telephone no.	
Plaintiff <input type="checkbox"/> People of the State of Michigan <input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____ <input type="checkbox"/> Juvenile In the matter of _____		Defendant(s) CTN _____ SID _____ DOB _____ Race _____ Sex _____ DLN _____	
PETITION		A person is not required if the bench warrant is issued on the court's own motion.	
Petitioner requests that a bench warrant be issued and be arrested and held in contempt of court for: <input type="checkbox"/> Failure to appear <input type="checkbox"/> the following reasons: _____			
I declare that the statements above are true to the best of my information, knowledge, and belief. Date _____ Person's signature _____			
BENCH WARRANT			
Respondent failed to comply with an order of this court.			
A bench warrant to arrest the respondent has issued on this date _____			
Respondent was described as follows:			
Name and address of respondent _____		Race _____	Sex _____
		DLN _____	
Bring the respondent before the court immediately, or respondent may be released when a cash or surety bond in the amount of \$ _____ is posted for personal appearance before the court at its next session.			
Date _____	Judge _____	Bar no. _____	
MEMORANDUM COPY - NOT TO BE USED FOR ARREST			
TO THE COURT CLERK: When the original charge in a criminal case is more than a 92 day misdemeanor or felony and the defendant has not been sentenced or discharged, send a photocopy of this Petition and Bench Warrant Memorandum to the Michigan State Police Central Records Division as required under MCL 769.16a.			
MC 229 (490) PETITION AND BENCH WARRANT		MCR 3.606	

Approved: SCAO		PROBATE JDC CODE BW 1st copy (canary) - Ticker file 2nd copy (pink) - State police 3rd copy (goldenrod) - Police for return to court 4th copy - Friend of the court (if applicable)	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		CASE NO.	
DAI MI-	Court address	Court telephone no.	
Issue date of warrant/order to apprehend and no. _____		Charge _____ (Date of offense _____)	
TO: Police agency and address _____		Defendant/Respondent/Arrestee name _____ CTN _____ SID _____ DOB _____ DLN _____ Race _____ Sex _____	
IT IS ORDERED: 1. The warrant, or order to apprehend, identified above be returned immediately to this court. 2. The record of this warrant, or order to apprehend, be removed immediately from Law Enforcement Information Network (LEIN) files.			
Date _____	Time _____	Judge/Clerk/Registrar _____	Bar no. _____
COURT CALL TO POLICE (to advise of person's court appearance)			
Date _____	Time _____	Person notified _____	
CERTIFICATION OF REMOVAL (from LEIN files)			
Date _____	Time _____	Police agency _____	Signature _____
POLICE DISPOSITION (to clear police files)			
<input type="checkbox"/> Attached to this form <input type="checkbox"/> Delivered to court when person appeared there			
INSTRUCTIONS			
Court (1)	Immediately after person appears in court on warrant, or order to apprehend, so advise the responsible police agency by telephone.		
Court (2)	As soon as possible after calling police, prepare this 4 part form: 1st original (white) in case file, keep canary copy in warrant or order to apprehend ticker file until warrant, or order to apprehend, is returned by police agency; send pink and goldenrod copies to police.		
Police (1)	Immediately after receiving court's call, return call for verification purposes, remove the warrant, or order to apprehend, from Law Enforcement Information Network (LEIN) files.		
Police (2)	Upon receipt of forms, enter date and time of LEIN contact, and sign. File pink copy; return goldenrod copy with warrant, or order to apprehend, to court (if not already delivered when person appeared in court).		
MC 220 (490) RECALL OF WARRANT/ORDER TO APPREHEND			

Approved: SCAG Original - Court
1st copy - Jail
2nd copy - State Police 3rd copy - Defendant
4th copy - Prosecutor

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

JUDGMENT OF SENTENCE
☐ COMMITMENT TO JAIL

CASE NO.

CRI
MI- Court address Court telephone no.

THE PEOPLE OF ☐ The State of Michigan

Defendant's name, address, and telephone no.

CTN SID DOB

THE COURT FINDS:
1. The defendant was found guilty on _____ of the crime(s) as stated below:

CONVICTED BY	CRIME	CHARGE CODE(S) MCL citation/PACC Code
Count First Court Jury		

*Please insert "C" for guilty plea, use "NC" for not content, use "M" for guilty but mentally ill

2. Defendant ☐ was represented by an attorney;
☐ was advised of the right to counsel and appointed counsel and knowingly, intelligently, and voluntarily waived that right.

☐ 3. The conviction is reportable to the Secretary of State under MCL 257.732.
The defendant's driver license number is: _____

IT IS ORDERED that defendant shall:

☐ 4. Pay a \$ _____ assessment for the Crime Victim Rights Fund.

☐ 5. Serve _____ days in jail, beginning _____ Date. Credit is given for _____ days previously served.

The remaining time in jail to be served (not including good behavior time) is _____ days.

☐ Defendant may be released on day parole for the purpose checked below during the times specified:
☐ seeking work ☐ working at regular employment ☐ attendance at educational institution
☐ medical treatment ☐ other: _____

Times: _____

☐ 6. Pay: \$ _____ Fine \$ _____ Costs \$ _____ Restitution \$ _____ Total: \$ _____

☐ 7. Be confined to jail (in addition to any other jail term imposed) until fine and costs are paid, but not to exceed _____ days.

☐ 8. Return to this court to pay the above fine and costs on or before _____ Date, or spend _____ days in jail, beginning _____ Date.

☐ 9. Be placed on probation for _____ months and abide by the terms of probation. (See separate order)

☐ 10. Complete the following rehabilitative services:
☐ Alcohol Highway Safety Education ☐ Treatment (☐ outpatient, ☐ inpatient, ☐ residential, ☐ mental health)
Specify: _____

☐ 11. Other: _____

Date _____ (SEAL) Judge _____ Bar no. _____

Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

MC 218 (4/81) JUDGMENT OF SENTENCE/COMMITMENT TO JAIL MCL 769.16a; MSA 28.1096(1); MCR 6.427(A)

CONVICTIONS

Judgment of Sentence – Commitment to Jail MC 219

Judgment of Sentence – Commitment to Corrections Department MC 219b

The court uses these dispositional forms to record and report convictions. District and circuit court use the Commitment to Jail form for misdemeanor and felony convictions resulting in any combination of:

- a jail sentence
- probation and fines
- costs
- restitution

The Commitment to Corrections Department form is used for circuit court felony convictions resulting in:

- commitment to the Department of Corrections

Instructions:

1. Enter all of the required CHR Disposition Reporting Data Elements for the appropriate form.
2. Submit copy of completed form to CRD.

Exceptions:

Assignment to Holmes Youthful Trainee Status

If the defendant is assigned to Holmes Youthful Trainee status MCL 762.14; MSA 28.853 (14), use the Assignment to Youthful Trainee Status form (MC 242).

Deferment under Controlled Substance Act, Spouse Abuse Act, or Parental Kidnapping Act.

If the defendant's judgment or guilt is deferred under the provisions of either MCL 333.7411; MSA 14.15 (7411), Controlled Substance Act, or MCL 769.4a; MSA 28.1076, Spouse Abuse Act, or MCL 750.350a; MSA 25.582(1), Parental Kidnapping Act, use the Order of Probation (MC 243) form. For more information, see Section 11.

Approved: SCAG Original - Court
1st copy - Corrections
2nd copy - Corrections (for return) 3rd copy - State Police
4th copy - Defendant 5th copy - Prosecutor

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

JUDGMENT OF SENTENCE
COMMITMENT TO
CORRECTIONS DEPARTMENT

CASE NO.

CRI
MI- Court address Court telephone no.

THE PEOPLE OF THE STATE OF MICHIGAN

Defendant's name, address, and telephone no.

CTN SID DOB

Prosecuting attorney name Bar no. Defendant attorney name Bar no.

THE COURT FINDS:
1. The defendant, represented by counsel, was found guilty on _____ of the crimes as stated below:

CONVICTED BY	CRIME	CHARGE CODE(S) MCL citation/PACC Code
Count First Court Jury		

*Please insert "C" for guilty plea, use "NC" for not content, use "M" for guilty but mentally ill

☐ 2. The conviction is reportable to the Secretary of State under MCL 257.732.
The defendant's driver license number is: _____

IT IS ORDERED:
3. Defendant is sentenced to the custody of the Michigan Department of Corrections as stated below. This sentence shall be immediately executed.

SENTENCE DATE	MINIMUM Years Mos Days	MAXIMUM Years Mos Days	DATE SENTENCE BEGINS	JAIL CREDIT Mos Days	OTHER INFORMATION

☐ Defendant shall pay restitution of \$ _____

4. Defendant shall pay a \$ _____ assessment for the Crime Victim Rights Fund.

5. Court recommendation: _____

Date _____ Judge _____ Bar no. _____

Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL) Deputy court clerk _____

MC 219b (4/81) JUDGMENT OF SENTENCE, COMMITMENT TO CORRECTIONS DEPARTMENT MCL 769.16a; MSA 28.1096(1); MCR 6.427(A)

Approved: SCAO		Original - Court 1st copy - Prosecutor 2nd copy - Defendant	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		MOTION/ORDER OF NOLLE PROSEQUI	
CASE NO.			
On: _____ Court address _____ Court telephone no. _____			
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____		Defendant's name, address, and telephone no. CTN _____ SID _____ DOB _____	
Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code	
MOTION			
_____, prosecuting official, moves for a nolle prosequi in this case			
for the following reason(s):			
Date _____ Prosecuting official _____			
ORDER			
IT IS ORDERED:			
<input type="checkbox"/> 1. Motion for nolle prosequi is granted and the case is dismissed without prejudice.			
<input type="checkbox"/> 2. Motion for nolle prosequi is granted as to the following charge(s) which are dismissed without prejudice:			

<input type="checkbox"/> 3. Motion for nolle prosequi is denied.			
<input type="checkbox"/> 4. Defendant shall be immediately discharged from confinement in this case.			
<input type="checkbox"/> 5. Bond is cancelled and shall be returned after costs are deducted.			
<input type="checkbox"/> 6. Bond/bail is continued on the remaining charge(s).			
Date _____ Judge _____ Bar no. _____			
If item 1 is checked, the clerk of the court shall send a photocopy of this order to the Michigan State Police Central Records Division to create a criminal history record as required under MCL 769.15a.			
MC 263 (3-88) MOTION/ORDER OF NOLLE PROSEQUI MCL 767.20, MSA 28.949			

DISMISSAL/ACQUITTAL OF CHARGES

Motion/Order of Nolle Prosequi MC 263

Order of Acquittal/Dismissal MC 262

Commitment Order – Not Guilty by Reason of Insanity MC 207

District and circuit courts use this group of dispositional forms to release defendants from charges through dismissal, acquittal or reason of insanity.

Each form and the disposition it records and reports is listed below.

Motion/Order of Nolle Prosequi MC 263

The court grants the prosecuting attorney's motion to dismiss the charge(s).

Approved: SCAO		Original - Court 1st copy - Prosecutor 2nd copy - Defendant 3rd copy - Defendant attorney	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		ORDER OF ACQUITTAL/DISMISSAL OR REMAND	
CASE NO.			
On: _____ Court address _____ Court telephone no. _____			
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____		Defendant's name, address, and telephone no. CTN _____ SID _____ DOB _____	
Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code	
IT IS ORDERED:			
<input type="checkbox"/> 1. The case is dismissed on the motion of the court <input type="checkbox"/> with <input type="checkbox"/> without prejudice			
<input type="checkbox"/> 2. The defendant's motion for dismissal is granted <input type="checkbox"/> with <input type="checkbox"/> without prejudice and the case is dismissed			
<input type="checkbox"/> 3. The defendant's motion for dismissal is granted in part <input type="checkbox"/> with <input type="checkbox"/> without prejudice and the following charge(s) is/are dismissed:			

<input type="checkbox"/> 4. Defendant is acquitted on all charge(s) in this case after trial by <input type="checkbox"/> judge <input type="checkbox"/> jury			
<input type="checkbox"/> 5. Defendant is acquitted after trial by <input type="checkbox"/> judge <input type="checkbox"/> jury only on the following charge(s):			

<input type="checkbox"/> 6. Defendant shall be immediately discharged from confinement in this case.			
<input type="checkbox"/> 7. Bond is cancelled and shall be returned after costs are deducted.			
<input type="checkbox"/> 8. Bond/bail is continued on the remaining charge(s).			
<input type="checkbox"/> 9. The case is remanded to the _____ district court for further proceedings for the following reasons:			
Date _____ Judge _____ Bar no. _____			
If item 1, 2, or 4 is checked, the clerk of the court shall send a photocopy of this order to the Michigan State Police Central Records Division to create a criminal history record as required under MCL 769.15a.			
MC 262 (4-86) ORDER OF ACQUITTAL/DISMISSAL OR REMAND			

Order of Acquittal/Dismissal MC 262

The defendant is acquitted of the charge(s) after a trial by a judge or jury or the charge(s) are dismissed by the Court.

Commitment Order – Not Guilty by Reason of Insanity MC 207

Defendant is found not guilty by reason of insanity and is committed to the Center for Forensic Psychiatry for treatment.

Approved, SCAD		Original Court 1st copy Center 2nd copy State Police	3rd copy Sheriff 4th copy Prosecutor 5th copy Defendant
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	COMMITMENT ORDER NOT GUILTY BY REASON OF INSANITY	CASE NO.	
Orti MI-	Court address	Court telephone no	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____		Defendant's name, address, and telephone no _____ CTN _____ SID _____ DOB _____ Defendant attorney's name, address, bar no., and telephone no _____	
Prosecuting official's name, address, bar no., and telephone no _____			
1. Defendant <input type="checkbox"/> pled <input type="checkbox"/> was found not guilty of the offense(s) charged by reason of insanity. IT IS ORDERED: 2. Defendant is committed to the custody of the Center for Forensic Psychiatry for a period not to exceed 60 days. 3. The center shall thoroughly examine and evaluate the present mental condition of defendant in order to reach an opinion on whether defendant meets the legally established criteria of a person requiring treatment or judicial admission. 4. Within 60 days from the date of this order, the Center for Forensic Psychiatry shall file a written report with the court, defense counsel, and prosecuting official in accordance with the mental health code. 5. If defendant is subsequently hospitalized as a person requiring treatment or by judicial admission as defined in the mental health code, defendant shall not be discharged or placed on leave without first being evaluated and recommended for discharge or leave by the Center for Forensic Psychiatry. 6. <input type="checkbox"/> a. The sheriff shall transport defendant to the Center for Forensic Psychiatry. or <input type="checkbox"/> b. Defendant shall immediately report to the Center for Forensic Psychiatry for admission. 7. The clerk of the court shall send to the Center for Forensic Psychiatry a settled record of facts concerning the offense(s) which defendant was found to have committed, but was acquitted. 8. Additional orders _____ _____ _____			
Date _____		Judge _____ Bar no. _____	
Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.			
MC 207 (4-98) COMMITMENT ORDER, NOT GUILTY BY REASON OF INSANITY MCL 330.2050; MSA 14.800(1050); MCR 6.504			

Instructions:

1. Enter all of the required CHR Disposition Reporting Data Elements for the appropriate form.
2. Carry out any applicable instructions listed below under Additional Instructions.
3. Submit copy of completed form to CRD only when the entire case is dismissed by the court.

Additional Instructions:

Motion/Order of Nolle Prosequi MC 263

Check box 1 in the "IT IS ORDERED" portion of the form to note that the motion for Nolle Prosequi is granted and the case is dismissed.

Order of Acquittal/Dismissal MC 262

Check the appropriate box under the "IT IS ORDERED" portion of the form.

- For charges dismissed after a motion, check Box 3 noting that the motion for dismissal is granted and the case is dismissed.
- For acquittal of charges against the defendant after a trial, check Box 4 noting that the defendant is acquitted and type of trial (judge or jury).

☐ Note

If there are multiple counts in one case and the defendant is sentenced on one of the counts, send only the sentencing dispositional form to CRD.

SPECIAL DISPOSITIONS Non-public Records

Assignment to Youthful Trainee Status MC 242

Order of Probation MC 243

Petition and Order for Discharge from Probation MC 245

Order Setting Aside Conviction MC 228

District and circuit courts use these forms to record and report dispositions in which entry of judgment of guilt is deferred and defendant's record may become a non-public record. These actions would include assignment of a defendant to probation or to Holmes Youthful Trainee status. The last part of the correction process, release from probation and setting aside of a conviction, is also recorded by special disposition forms.

Assignment to Youthful Trainee Status MC 242

Records and reports that the defendant has been assigned to Holmes Youthful Trainee Status pursuant to MCL 762.14; MSA 28.853 (14).

Instructions:

1. Enter all of the required CHR Disposition Reporting Data Elements.
2. Submit copy of completed form to CRD.

Exceptions:

Removal of defendant from Holmes Youthful Trainee Status

If the defendant is removed from Holmes Youthful Trainee Status, the court will use the Judgment of Sentence – Commitment to Jail (MC 219) or Judgment of Sentence Commitment to Corrections Department (CC 219b) form.

☐ Note:

The record for this CTN becomes a NON - PUBLIC RECORD when this order is entered.

Approval: SCAO		Original - Court 1st copy - State Police 2nd copy - Arresting Agency	3rd copy - Prosecutor 4th copy - Defendant
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		ASSIGNMENT TO YOUTHFUL TRAINEE STATUS	
CASE NO.			
ORI	Court address	Court telephone no.	
MI-		Defendant's name, address, and telephone no.	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan		CTN <input type="text"/> SID <input type="text"/> DOB <input type="text"/>	
<input type="checkbox"/> _____			
Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code	

THE COURT FINDS:

- 1 The defendant is alleged to have committed a criminal offense, other than murder in the first degree or a major controlled substance offense.
- 2 The alleged criminal offense was committed between the defendant's seventeenth and twentieth birthdays.
- 3 Both the defendant and the defendant's legal guardian or guardian ad litem have consented to assignment of the defendant to youthful trainee status.

IT IS ORDERED:

- 4 The defendant is assigned to youthful trainee status and is:

☐ a. committed to the department of corrections for custodial supervision and training for a period of _____ in an institutional facility designated by the department for such purposes
 or
☐ b. is placed on probation for a period of _____ under the supervision of a probation officer and shall abide by the terms of probation (See separate order)

Date _____ Judge _____ Bar no _____

Under MCL 762.14 the court clerk, the arresting agency, and the State Police shall maintain this case as a nonpublic record.

Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record

MC 242 (3/84) ASSIGNMENT TO YOUTHFUL TRAINEE STATUS MCL 762.11, MSA 28.853(1); MCL 762.13, MSA 28.853(13)

Approved: SCAD		Original: Court 1st copy - Probation Department 2nd copy - Defendant 3rd copy - Prosecutor	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		PETITION AND ORDER FOR DISCHARGE FROM PROBATION	
CASE NO.			
ORI MI- _____		Court address _____ Court telephone no. _____	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v.		Defendant's name, address, and telephone no. CTN _____ SID _____ DOB _____	
Date of probation _____ Term of probation _____		Offense _____	
I respectfully petition this court to discharge the defendant from probation for the following reasons:			
Date _____ Probation officer _____ ORDER OF PROBATION DISCHARGE			
IT IS ORDERED:			
1. Defendant is discharged from probation supervision, and any unfulfilled obligations or conditions of the sentence imposed by this court are suspended, except that collection for unpaid felony probation oversight fees may be pursued according to law (MCL 771.3c(5)).			
<input type="checkbox"/> 2. The plea or finding of guilt under the: <div style="display: flex; justify-content: space-between; font-size: small;"> <div> <input type="checkbox"/> Controlled Substance Act (MCL 333.7411) <input type="checkbox"/> Spouse Abuse Act (MC 769.4a) <input type="checkbox"/> Parental Kidnapping Act (MCL 750.250a) </div> <div> is set aside and the case is dismissed: The records of arrest and discharge or dismissal in this case shall be retained as a nonpublic record according to law. </div> </div>			
<input type="checkbox"/> 3. The status of Youthful Trainee is terminated under the Holmes Youthful Trainee Act (MCL 762.14) and the case is dismissed. The record of arrest and discharge or dismissal in this case shall be retained as a nonpublic record according to law.			
Date _____ Judge _____ Bar no. _____			
If item 2 or 3 is checked, the clerk of the court shall send a photocopy of this order to the Michigan State Police Central Records Division to create a criminal history record as required under MCL 769.16a.			
MC 245 (4/91) PETITION AND ORDER FOR DISCHARGE FROM PROBATION		MCL 771.3; MSA 28.1125	

Petition and Order for Discharge from Probation MC 245

Records and reports that the defendant has fulfilled the obligations and conditions of probation and the charge(s) is to be dismissed pursuant to one of the following:

- MCL; 762.14; MSA 28.853 (14), Holmes Youthful Trainee Act
- MCL 333.7411; MSA 14.15 (7411), Controlled Substance Act
- MCL 769.4a; MSA 28.1076, Spouse Abuse Act
- MCL 750.350a; MSA 25.582(1) Parental Kidnapping Act

Instructions:

1. Enter all of the required CHR Disposition Reporting Data Elements.
 2. Submit copy of completed form to CRD.
- ☐ **Note:**
The record for this CTN becomes a NON-PUBLIC RECORD when this order is entered, if entered under the provisions of one of these acts.

Order Setting Aside Conviction MC 228

Record and report the request and the court order setting aside conviction under MCL 780.621; MS 28.1274(101).

Instructions:

1. Enter all of the required CHR Disposition Reporting Data Elements.
 2. Check the box under the "IT IS ORDERED" section of MC 228 to note that it is ordered that the conviction in the case is set aside, and that a non-public record will be maintained by the State Police pursuant to MCL 780.623.
 3. Submit a copy of completed order to CRD.
- ☐ **Note:**
The record for this CTN becomes a NON-PUBLIC RECORD when this order is entered.

Approved: SCAD		Original: Court 1st copy - State Police 2nd copy - Arresting agency 3rd copy - Prosecutor 4th copy - Defendant	
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		ORDER ON APPLICATION TO SET ASIDE CONVICTION	
CASE NO.			
ORI MI- _____		Court address _____ Court telephone no. _____	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v.		Defendant's name, address, and telephone no. CTN _____ SID _____ DOB _____	
THE COURT FINDS:			
1 The applicant <input type="checkbox"/> has <input type="checkbox"/> has not been convicted of more than one criminal offense.			
2 The conviction <input type="checkbox"/> is <input type="checkbox"/> is not a traffic offense, or a felony for which the maximum punishment is life imprisonment.			
3 It <input type="checkbox"/> has <input type="checkbox"/> has not been at least five years following the imposition of the sentence or completion of any term of imprisonment for the conviction.			
4 An opportunity <input type="checkbox"/> has <input type="checkbox"/> has not been given to the Attorney General and prosecuting official to contest the application.			
5 Circumstances and behavior of the applicant <input type="checkbox"/> do <input type="checkbox"/> do not justify setting aside the conviction, and it is consistent with the public welfare.			
IT IS ORDERED:			
<input type="checkbox"/> 6 The application is denied.			
<input type="checkbox"/> 7 The conviction in this case is set aside. Under MCL 780.623 the court clerk, the arresting agency, and the State Police shall maintain a nonpublic record of the order setting aside conviction and of the arrest, fingerprints, conviction, and sentence in this case.			
Date _____ Judge _____ Bar no. _____			
Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.			
MC 228 (4/90) ORDER ON APPLICATION TO SET ASIDE CONVICTION		MCL 780.621; MSA 28.1274(101); MCL 780.623; MSA 28.1274(103)	

Form MC 235 - Return of Prints

If fingerprints are not returned within 60 days of the adjudication of finding of not guilty, the court may use the MC 235 "Motion and Order for Return of Prints".

Approved: SCAO		Original - Court 1st copy - State P. Ice 2nd copy - Arresting Agency		PROBATE JDC - JUDGE RD 3rd copy - Probate Unit 4th copy - Detention Unit	
STATE OF MICHIGAN		MOTION AND ORDER FOR THE RETURN OF FINGERPRINTS, ARREST CARD, AND DESCRIPTION		CASE NO.	
JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		Court address		Court telephone no.	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____		v		Defendant/Juvenile's name, address, and telephone no. _____ CTN _____ SID _____ DOB _____	
<input type="checkbox"/> Juvenile In the matter of _____					
Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code			
MOTION					
I, _____, state that on _____ Date <input type="checkbox"/> I was found not guilty of all offense(s) charged in this case. <input type="checkbox"/> My case was dismissed without trial. I have had no prior convictions. I REQUEST that the fingerprints, arrest card, and description be returned to me by the official holding the information. Date _____ Signature _____					
ORDER					
IT IS ORDERED: Under MCL 28.243 the State Police and arresting agency shall immediately, without charge and without further demand, return to the defendant/juvenile the fingerprints, arrest card, and description taken or made in the above case. Date _____ Judge _____ Bar no. _____					
Approved as to form on _____ Date _____ by: _____ Prosecuting official Bar no. Attorney for defendant/juvenile Bar no.					
Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to delete this criminal history record.					
MC 235 (900) MOTION AND ORDER FOR THE RETURN OF FINGERPRINTS, ARREST CARD, AND DESCRIPTION MCL 28.243, MSA 4.463, MCR 8.036(p)					

Section 10

Juvenile Reporting

This section covers reporting procedures for juvenile Criminal History Records (CHR).

10.1 Introduction

Previously, the county prosecutor's office sent fingerprint cards (RI-7's) to CRD at the time of arrest for both juveniles and adults. If a juvenile court did not grant a petition for a particular case and therefore did not file a disposition form, CRD records wrongly indicated an "open arrest."

Since 1990, refinements to the system for juvenile record keeping and new interpretations of P.A. 40 and P.A. 72 that requires juvenile offense reporting, have made the process more efficient and exact.

Figure 10-1 shows the proper route to initiate a criminal history record for a juvenile offender.

To begin the process, the prosecutor forwards a completed RI-7 directly to juvenile court.

- A) If the court decides to grant a petition, it sends the RI-7 to CRD. After the final disposition, the court sends the appropriate disposition form to CRD.
- B) If the court decides not to grant the petition, it returns the RI-7 directly to the juvenile and CRD remains uninvolved.
- C) If the court decides to waive the juvenile to adult court, it sends the RI-7 to the prosecutor.

This procedure eliminates confusion about the RI-7 for cases dropped by or moved from juvenile court.

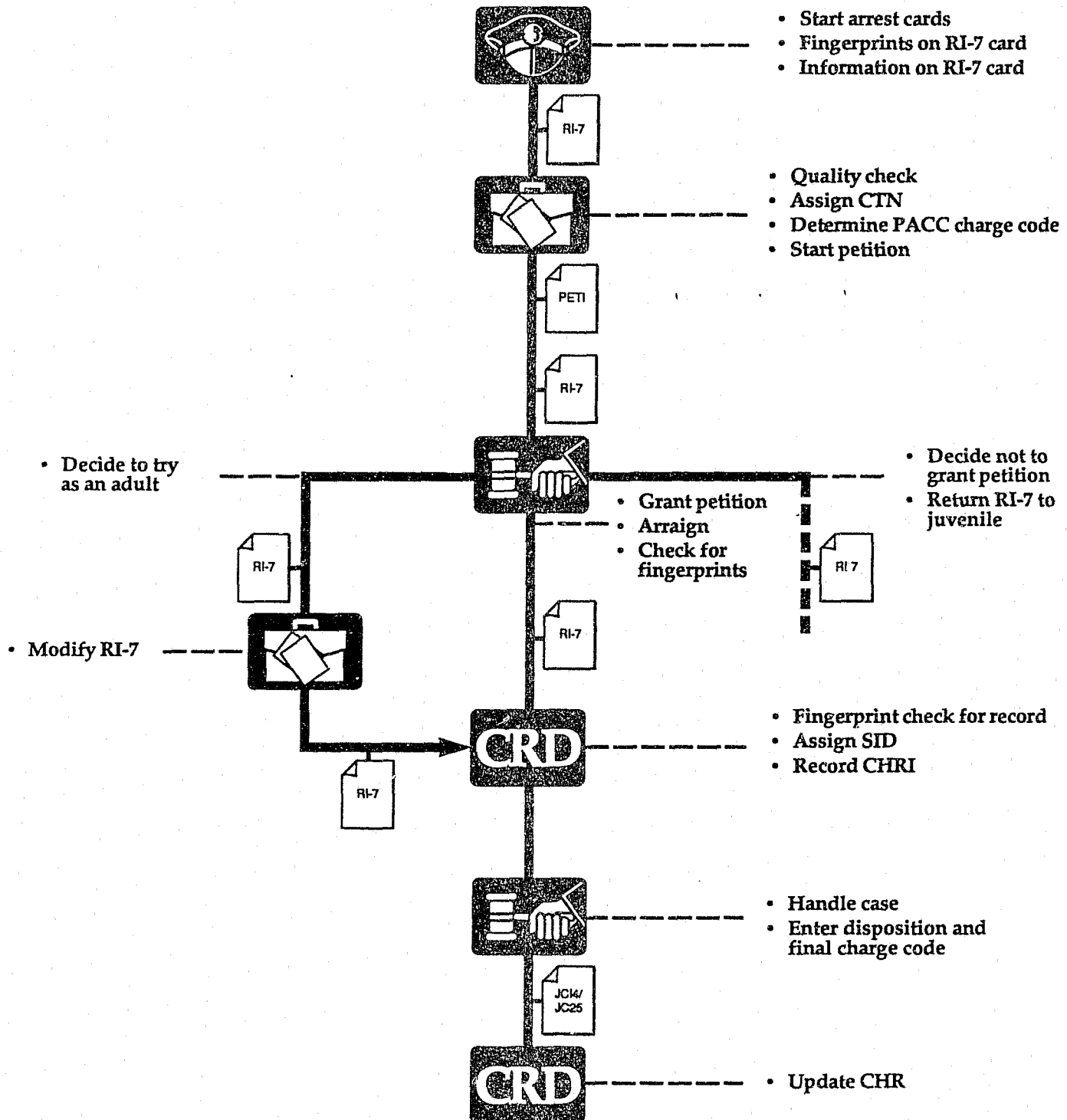


Figure 10-1
Juvenile Reporting Procedure

10.2 Processing Records

For best results in dealing with juvenile criminal history records, CRD needs to receive RI-7's and disposition forms at the proper time. Continued cooperation of law enforcement agencies, county prosecutor's offices, and juvenile courts is imperative for good record keeping throughout the state.

If fingerprint impressions have not been made on the RI-7, the court must fill out an order for fingerprints, form MC 233 (see page 9-3). In situations where the juvenile does not go to the law enforcement agency to be fingerprinted, the court can charge the juvenile with contempt.

The warrant holding/seeking agent should take care to enter all proper ORI codes on the RI-7 to help track information. See Section 3.7 for additional information on ORI codes.

10.2.1 Law Enforcement

To begin the juvenile record keeping process, the warrant-holding law enforcement agency fingerprints the juvenile and completes the RI-7. The warrant-holding agent then forwards the RI-7 to the county prosecutor's office.

10.2.2 Prosecutor's Office

The prosecutor starts the petition, if not granted prior to the juvenile's arrest. The Prosecutor assigns a PACC and a CTN.

In order to make a clear distinction between juvenile and adult files, assign CTN codes beginning at 800,000. For example, a CTN code for a juvenile might be 33-91-800001-01. Whatever CTN system is used, the prosecutor should coordinate juvenile CTN's with adult codes to avoid duplication.

The prosecutor checks that the rest of the information on the RI-7 is correctly filled in. To avoid confusion with "open files," the prosecutor sends the RI-7, along with the petition application, directly to the juvenile court, not to CRD.

10.3 Court Proceedings

Once juvenile court receives a petition application for a juvenile hearing, the court must decide how to deal with the case. The court at that point may determine to:

- refuse to grant the petition
- try the individual as an adult
- refer the individual to the Department of Social Services, or
- hear the case in juvenile court.

Depending on the decision of the court, the RI-7 is either sent to CRD, the prosecutor's office, or back to the juvenile.

If the court grants the petition, it sends the RI-7 to CRD to initiate a criminal history record. If the court waives the case to adult court, the juvenile court forwards the RI-7 to the prosecutor's office. The prosecutor modifies the information on the RI-7 and indicates that the juvenile is being "Tried As An Adult." If the court decides to take no action, the RI-7 is returned to the juvenile.

10.3.1 Holmes Youthful Training Act

The juvenile court can not sentence an individual to the Holmes Youthful Training Act. HYTA only applies to persons between the ages of 17 and 21 who are being sentenced in the adult court.

10.3.2 Reportable Juvenile Offenses

Table 10-1 lists the offenses which must be reported by juvenile court to Criminal History Records as defined by Public Act 40 of 1988.

Table 10-1
Reportable and "Attempted" Juvenile Offenses

Title of Offense	MCL Section	Applicable PACC Code(s)
ARSON		
Dwelling House	750.72	750.72-A
Dwelling House Outillage	750.72	750.72-B
ASSAULT with Intent to Murder	750.83	750.83
ASSAULT / Bodily Harm Less Than Murder	750.84	750.84
ASSAULT with Intent to Rob Unarmed	750.88	750.88
ASSAULT with Intent to Rob Armed	750.89	750.89
HOMICIDE Attempted Murder	750.91	750.91
B&E		
Building with intent	750.110	750.110-A
Occupied Dwelling with intent	750.110	750.110-B
HOMICIDE- Murder 1st degree		
Premeditated	750.316	750.316-A
Felony	750.316	750.316-B
Open Murder - Statutory Short Form	750.316	750.316-C
HOMICIDE- Murder 2nd degree	750.317	750.317
KIDNAPPING	750.349	750.349
LARCENY IN A BUILDING	750.360	750.360
MOTOR VEHICLE - Unlawful Driving Away	750.413	750.413
CRIMINAL SEXUAL CONDUCT - 1ST DEGREE		
Multiple Variables	750.520B	750.520B
Person Under Thirteen	750.520B	750.520B1A
Relationship	750.520B	750.520B1B
During Felony	750.520B	750.520B1C
Accomplices	750.520B	750.520B1D
Weapon Used	750.520B	750.520B1E
Personal Injury	750.520B	750.520B1F
Injury To Incapacitated Victim	750.520B	750.520B1G
Mentally Disabled – Relationship	750.520B	750.520B1H

Title of Offense	MCL Section	Applicable PACC Code(s)
CRIMINAL SEXUAL CONDUCT 2ND DEGREE		
Multiple Variables	750.520C	750.520C
Person Under Thirteen	750.520C	750.520C1A
Relationship	750.520C	750.520C1B
During Felony	750.520C	750.520C1C
Accomplices	750.520C	750.520C1D
Weapon Used	750.520C	750.520C1E
Personal Injury	750.520C	750.520C1F
Injury to Incapacitated Victim	750.520C	750.520C1G
Mentally Disabled – Relationship	750.520C	750.520C1H
CRIMINAL SEXUAL CONDUCT 3RD DEGREE		
Multiple Variables	750.520D	750.520D
Person Thirteen through Fifteen	750.520D	750.520D1A
Force or Coercion	750.520D	750.520D1B
Incapacitated Victim	750.520D	750.520D1C
CRIMINAL SEXUAL CONDUCT		
Second or Subsequent Offense	750.520f	750.520F
Assault With Intent To Commit Sexual Penetration	750.520g	750.520G1
Second Degree Assault	750.520g	750.520G2
ARMED ROBBERY	750.529	750.529
UNARMED ROBBERY	750.530	750.530
CONTROLLED SUBSTANCE – Del/Mfg 650 or More Grams	333.7401	333.74012A1
CONTROLLED SUBSTANCE – Possess 650 or More Grams	333.7403	333.74032A1

Table 10-1 (cont.)

10.3.3 No Action

If the court and/or the prosecutor decide not to take action on the case, CRD remains uninvolved.

If the court decides not to grant a petition for the case, which stops the filing process, it must return the RI-7 to the juvenile and should not send anything to CRD.

10.3.4 Individual Tried as an Adult

If the court determines to try the individual as an adult, it returns the RI-7 to the prosecutor who must assure that all modifications are made prior to submission to CRD. Before sending the FBI form and RI-7, the prosecutor should check that the:

- RI-7 lists an adult CTN number,
- Box E34 on RI-7 is marked as charged
- Mark in Box E37 is erased
- RI-7 lists the proper court in the jurisdiction field, and
- FBI form shows the juvenile is being tried as an adult.

The State palm prints, if available, can also be sent to CRD along with the RI-7 and FBI form.

10.3.5 Case Referred to DSS

When the juvenile court grants the petition, it sends the RI-7 to CRD immediately. This action initiates a criminal history record.

After a hearing at which the court decides to refer the juvenile to the Department of Social Services, it sends the JC 25 final disposition form to CRD. This form completes the criminal history record for the offense.

☐ **Note:**

FBI forms can not be submitted for this action.

10.3.6 Hearing Held in Juvenile Court

Since juvenile court grants the petition, it sends the RI-7 to CRD immediately. This initiates a criminal history record.

After the hearing, the juvenile court sends the JC 14 final disposition form to CRD. This form completes the criminal history record for the offense.

If the court finds that the material allegations are not sustained, or the Prosecutor decides to "nolle prosequi," CRD will return the RI-7 to the juvenile as long as no prior conviction records exist or the offense is not a sex offense.

☐ **Note:**

FBI forms can not be submitted for this action.

10.4 Transfer of Jurisdiction

To avoid confusion when transferring a case to a different jurisdiction, it is preferable to use a new CTN assigned by the prosecutor in the county where the juvenile lives rather than the CTN from the county where the crime occurred.

In all cases of transfer, the juvenile court in the county of jurisdiction where the crime occurred sends the RI-7 to the juvenile court in the county where the juvenile lives. This court is responsible for forwarding it to CRD. After final disposition in the case, the court handling the case sends the disposition form to CRD.

Figure 10-2 outlines this procedure.

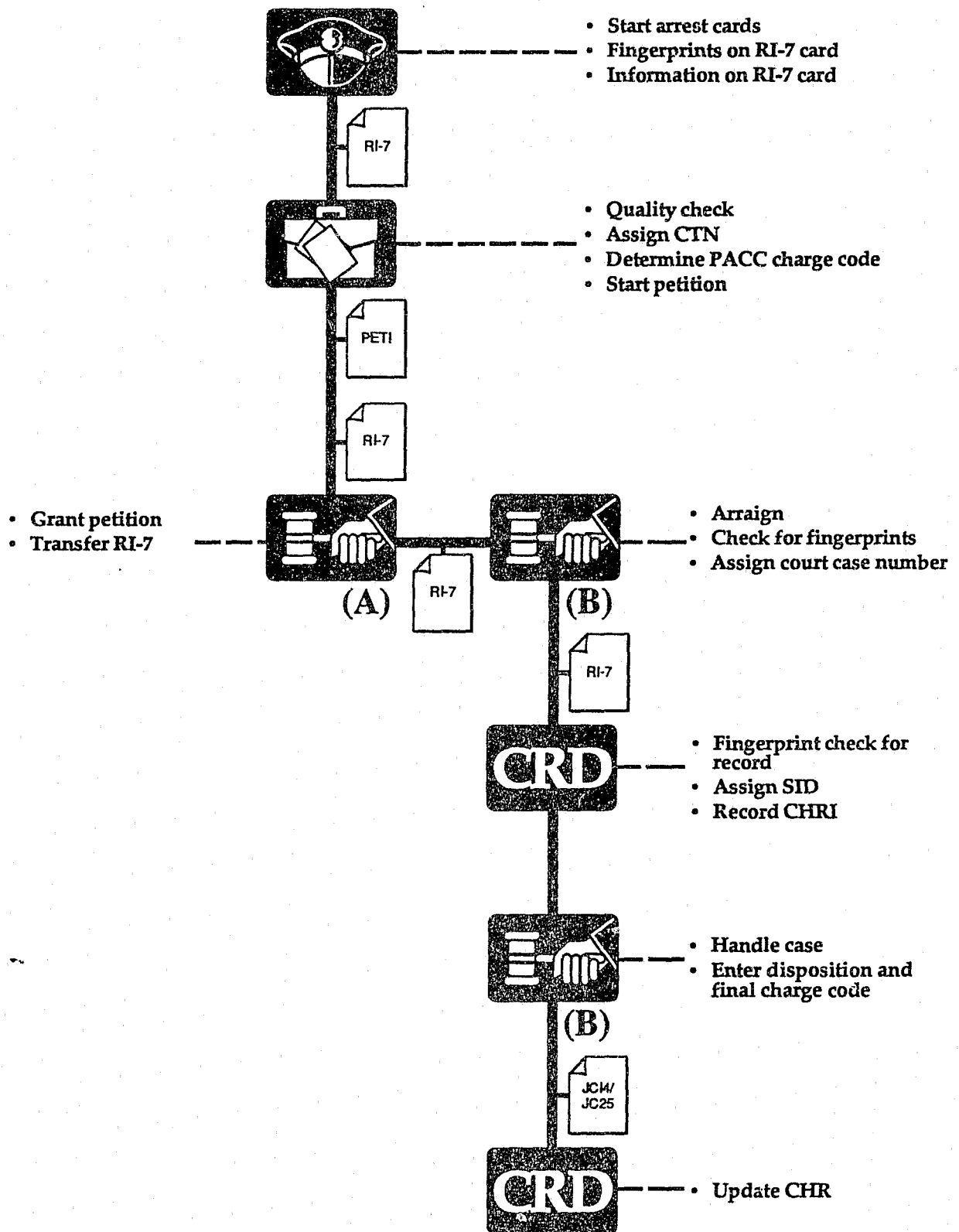


Figure 10-2
Transfer of Jurisdiction

10.5 Juvenile Offense Disposition Reporting

Juvenile court can file a disposition using either the JC 14 form or it can refer the case to the Department of Social Services using the JC 25 form.

10.5.1 Order For Disposition – JC 14

Juvenile court uses this dispositional form to record and report whether material allegations are sustained.

APPROVED "CAO"		DWM CODE ORD	
STATE OF MICHIGAN COUNTY OF _____		CASE NO. _____	
PROBATE COURT - JUVENILE DIVISION		ORDER OF DISPOSITION (DELINQUENCY PROCEEDINGS)	
1. In the matter of (Name, address)		CTN _____ SID _____ DOB _____	
2. Date of hearing _____		Judge/Referee _____ Bar No _____	
3. Notice of hearing for the disposition was given as required by law			
4. The juvenile has appeared in court in person with parent(s), guardian, custodian, guardian ad litem, and <input type="checkbox"/> had <input type="checkbox"/> waived an attorney			
5. An adjudication was held and the court found that the following material allegations of the petition dated _____ were sustained			
ADJUDICATED BY _____		ALLEGATIONS _____	
DATE _____		CHARGE CODE(S) MCL 590.1101-1104	
6. Specific findings of fact and law regarding this proceeding have been made on the record			
7. The offense adjudicated is a reportable juvenile offense and the juvenile has been fingerprinted according to MCR 5.936			
8. The offense adjudicated is reportable to the Secretary of State under MCL 257.732			
9. The juvenile's driver license number is _____			
IT IS ORDERED:			
9. _____ is warned and the petition is dismissed *			
10. The juvenile is placed in the temporary custody of this court and shall be placed with _____			
11. Other: (Include recommendation as required by MCL 712A.10(2)) _____			
12. The review date is _____			
13. The petition is dismissed *			
Date _____ Judge _____			
*Note: Check item 9 only if all or some of the material allegations are sustained. Check item 13 only if all of the material allegations are not sustained.			
Upon disposition of a juvenile offense as defined under MCL 20.241(a), the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record as required by MCL 712A.18(b)			
JC 14 (Rev. 10/01) ORDER OF DISPOSITION (DELINQUENCY PROCEEDINGS) MCL 712A.18 MSA 27.317N306-18 MCL 712A.20 MSA 27.317N306-20 MCR 5.936, 5.943			

Instructions:

- Enter CHR disposition reporting data elements.
 - Fill in codes and personal data. Some of this information appears on the RI-7 and must match. Particularly check that the name used at arrest and the one on the JC 14 are the same.
 - Fill in Box 5 for any material allegations sustained. PACC charge codes are required.
 - Fill in the "IT IS ORDERED" section with the outcome of the hearing.
- Submit copy of completed form to CRD after final disposition.

Instructions for Dismissal:

If all or some of the material allegations are sustained but the court warns the juvenile and dismisses the petition, check Box 9.

If none of the material allegations are sustained, check Box 13.

Note:

If the court sustains material allegations for any charges, the RI-7 will not be returned to the juvenile.

Instructions for Multiple Incidents Under One Case Number:

For CRD to track disposition reporting when multiple incidents, each having a different CTN, are included under the same case number, either:

- cross reference each material allegation and CTN, or
- use a separate form to report dispositions for each CTN.

10.5.2 Order For Disposition – JC 25

Juvenile court uses this dispositional form to commit or refer a juvenile to DSS and as a supplemental disposition for probation violations that result in commitment to DSS.

Approved: SCAD		ORAL CODE COM	
STATE OF MICHIGAN COUNTY OF	ORDER OF DISPOSITION COMMITMENT OR REFERRAL TO DEPARTMENT OF SOCIAL SERVICES (DELINQUENCY PROCEEDINGS)	CASE NO.	
PROBATE COURT - JUVENILE DIVISION			
CRJ IN	CTN	SO	DOB
1. In the matter of (names) answer(s):			
2. Date of hearing: Judge/Referee: For re			
3. Notice of hearing for the disposition was given as required by law			
4. The juvenile has appeared in court in person with parent(s), guardian, custodian, guardian ad litem, and <input type="checkbox"/> had <input type="checkbox"/> waived an attorney			
5. An adjudication was held and the court found that the following material allegations of the petition dated were sustained			
ADJUDICATED BY	ALLEGATIONS	CHARGE CODE(S) MCL Section/PACC Code	
Count 1			
Count 2			
Count 3			
Count 4			
Count 5			
*Please insert "A" for admission "NC" for no crime			
6. Specific findings of fact and law regarding this proceeding have been made on the record			
<input type="checkbox"/> 7. The offense adjudicated is a reportable juvenile offense and the juvenile has been fingerprinted according to MCR 5.936			
<input type="checkbox"/> 8. The offense adjudicated is reportable to the Secretary of State under MCL 257.732			
The juvenile's driver license number is			
THE COURT FINDS			
9. <input type="checkbox"/> a. Reasonable efforts were made to prevent or eliminate the need for placement			
<input type="checkbox"/> b. Reasonable efforts have been made to make it possible for the juvenile to return to his/her home			
IT IS ORDERED:			
10. The juvenile is placed in the temporary custody of this court			
11. <input type="checkbox"/> a. The juvenile is committed to the Michigan Department of Social Services under MCL 803.351 (Y R A)			
<input type="checkbox"/> b. The juvenile is referred to the County Department of Social Services for placement and care under MCL 400.55(h)			
12. The Director of the Michigan Department of Social Services is appointed special guardian to receive any benefits now due or to become due the juvenile from the government of the United States and pending transfer to the Department of Social Services, temporary placement is as follows			
13. Reimbursement for the cost of care and attorney fees shall be paid as follows			
14. Restitution shall be paid as follows			
15. A service fee shall be paid as follows			
<input type="checkbox"/> 16. Other			
17. The review date is			
Dee	Judge		
Upon disposition of a juvenile offense as defined under MCL 20.241a(1), the clerk of the court shall send a copy of the order to the Michigan State Police Central Records Division to create a criminal history record as required by MCL 712A.16(3).			
JC 25 (JC-11) ORDER OF DISPOSITION, COMMITMENT OR REFERRAL TO DEPARTMENT OF SOCIAL SERVICES (DELINQUENCY PROCEEDINGS)			
MCL 712A.20 MSA 27.317(9)(b) 20; MCL 712A.24 MSA 27.317(9)(b) 24; MCL 803.351 MSA 25.396(3); MCR 5.936, 5.943, 5.944(A)			

Instructions:

- Enter all required CHR disposition reporting data.
 - Fill in codes and personal data. Some of this information appears on the RI-7. Particularly check that the name used at arrest and the one on the JC 25 are the same.
 - Fill in Box 5 for any material allegations sustained. PACC charge codes are required.
 - Fill in Box 11.
 - Fill in restitution and service fee information.
- Submit copy of completed form to CRD after final disposition.

10.6 Setting Aside a Conviction

MCL 712A.18e allows a person to apply to have a juvenile conviction set aside if:

- five years have elapsed since conclusion of the court sentence, and
- the individual has not had any other criminal involvement.

Some additional situations, such as traffic offenses (60, OUIL, Suspended, Revoked) and crimes punishable as felonies with life imprisonment in adult court, restrict non-public file status.

□ **Note:**

The non-public file can only be viewed in such situations as a court determining a subsequent offense or a law enforcement agency determining qualification for employment.

CRD uses the fingerprints to identify the individual and search the records to make sure that the individual has at most one charge on file in which the court sustained allegations. To process a non-public file, CRD must receive:

- court application form MC 227
- fingerprints
- \$15 fee

CRD will make all references to the arrest and disposition non-public when it receives court order form MC 228, signed by a judge.

10.7 Return of Prints

CRD must return the RI-7 to the juvenile if the court dismisses all charges, or the prosecutor decides to make the case a *nolle prosequi* as long as no prior conviction records exist or the offense is not a sex offense. The CHR is expunged when CRD returns the RI-7.

For CRD to return the RI-7 to an individual, the address portion must be filled in properly. This is critical even if, for some reason, the signature space is left blank.

If fingerprints are not returned within 60 days of the adjudication of finding of not guilty, the court may use the MC 235 "Motion and Order for Return of Prints" (see page 9-12).

Section 11

Misdemeanor Reporting

This section describes misdemeanor (less than 93 days or \$1,000 fine) reporting procedures.

11.1 Introduction

Proper reporting of misdemeanor convictions requires a coordinated effort between law enforcement, the prosecutor's office, and the court. All three agencies must work together to identify reportable offenses and select appropriate procedures.

For example, submission of fingerprints is determined by prosecutor authorized charges, not arrest charges.

Any charges punishable by sentences over 92 days or \$1,000 fine are tracked through the criminal justice system using a CTN.

The key point to keep in mind for the misdemeanor categories dealt with here is that we are speaking about misdemeanors punishable by sentences less than 93 days or \$1,000 fine. In reporting all such misdemeanors, remember that the final disposition form must accompany the RI-7 when sent to CRD. No recording action can be taken until after conviction and submission of disposition.

Since local ordinance violations require basically the same approach as these misdemeanors, we will consider them together.

In addition to the normal misdemeanor sequence, this section will also cover these exceptions:

1. Convictions that do not need to be reported
 - Civil infraction traffic convictions
 - Sentence is under \$100 and no jail time
2. Trackable cases

A trackable case is an offense that is charged as being punishable by sentences over 92 days or a fine of \$1,000.
3. Limited use dismissals

A case that has been dismissed by the court under one of the following limited use statutes:

 - Drug Use and Possession (MCL 333.7411)
 - Parental kidnapping (MCL 780.350a)
 - Domestic assault, also called Spouse Abuse (MCL 769.4a)

11.2 Processing Misdemeanors

Simple misdemeanors involve offenses punishable by:

- fines under \$1,000 and/or
- jail time less than 93 days.

CRD can only record criminal history records for these misdemeanors if the RI-7 and the final conviction disposition form arrive together. Do not send any information to CRD before the final conviction disposition.

For fines and probation, the misdemeanor Register of Action form DCY 251 may be used. For jail terms, use the Judgement of Sentence form MC 219.

The RI-7 does not require PACC or CTN codes, but a PACC code must appear on every disposition form.

☐ **Note:**

CRD will accept palm prints if submitted, but they must accompany the completed RI-7, and Federal Fingerprint Card (FD 249).

11.2.1 Probation (Delayed/Deferred Sentence)

If the court places an individual on probation for a misdemeanor under a delayed or deferred sentence, CRD only becomes involved if charges are not dismissed after probation.

☐ **Note:**

Do not report the probation sentence if charges are to be dismissed.

The DCY 251 or MC 219 form is submitted if the individual is convicted of the offense. This form, together with the RI-7, places the misdemeanor in the individual's criminal history record.

If the individual fails the terms of probation, the court may sentence the individual to:

- jail
- further probation and fines, or
- costs and restitution.

The DCY 251 or MC 219 form is then sent to CRD with the conviction information.

11.3 Local Ordinances

Like misdemeanors, local ordinance violations should be submitted to CRD only after the final conviction disposition. Clearly designate the offense as a local ordinance violation on the RI-7:

1. Mark "O" in Box E30.
2. When using the PACC code of a state statute similar to a local ordinance, indicate "local ordinance" in Box E32.
3. If there is no appropriate PACC code, describe the local ordinance and write "local ordinance" in Box E28.
4. Write "local ordinance" on the disposition form.

11.4 Conviction – Reporting Required

Certain traffic convictions must be reported to CRD regardless of the maximum sentence. Convictions for traffic misdemeanors listed in Table 11-1 must always be reported, as must local ordinances that correspond to these state statutes.

Reportable Traffic Misdemeanors

PACC Charge Code	MCL No.	Description
257.625	257.625	Operating OUIL/Per Se
257.6251	257.625(1)	Operating under the influence
257.6252	257.625(2)	Operating with Blood Alcohol Content of .10% or more
257.625B1	257.625b	Operating Impaired
257.9041	257.904(1)	Operating-License suspended
257.9042	257.904(2)	Operating-suspended for failure to answer citation

Table 11-1
Reportable Traffic Misdemeanors

11.4.1 Trackable Cases

CRD records dispositions for trackable cases (offenses punishable by sentences over 92 days or a \$1,000 fine) even if the charges are reduced to a misdemeanor that falls within the category of "Misdemeanors That Do Not Need to be Reported." The reason for this is that the prosecutor sends CRD the RI-7 with a CTN at time of arrest. The court must now follow up with a final disposition form.

If CRD does not receive the final disposition form, the criminal record history will wrongly indicate an "open case."

Table 11-2 lists trackable traffic offenses punishable by imprisonment of more than 92 days. These offenses, like those in Table 11-1, must be reported to CRD.

**Traffic Offenses Punishable by
More Than 92 Days**

PACC Charge Code	Maximum Sentence	Description
207.226	1 year and/or \$1,000	Motor Vehicle – Failure to Appear False Statement
257.602A	1 year and/or \$1,000	Police Officer – Fleeing (Motor Vehicle Code)
257.617A	1 year and/or \$1,000	Failure to Stop Personal Injury Accident
257.6255	1 year/\$1,000; license revoked	OUIL – 2nd Offense
257.6255-B	1 year/\$1,000; license revoked	OUIL – Breath Alcohol Content .10% or More - 2nd Offense
257.625B3	1 year/\$1,000; suspended license 6-18 months	Impaired Operating – 3rd or Subsequent Offense
257.904-B	Not less than 5 days nor greater than 1 year/\$500	Motor Vehicle – Operate without Security

**Table 11-2
Traffic Offenses - Greater than 92 Days**

11.5 Conviction – No Reporting Required

It is not necessary to report the following convictions except at the order of a judge:

- civil infraction traffic convictions
- misdemeanors where fines are less than \$100 and no jail time.

☐ **Note**

This does not apply to trackable cases (See Section 11.4.1 for information on trackable cases).

11.5.1 Civil Infraction Traffic Convictions

If a misdemeanor is authorized and the conviction is for a civil infraction, no RI-7 or disposition form is submitted.

☐ **Note:**

The FBI will not accept the Federal Fingerprint Card for civil infractions.

11.5.2 Misdemeanors Less than \$100, No Jail Time

If a misdemeanor is punishable by less than \$100 and involves no jail time, except as an alternative sentence, do not send the RI-7 or any other forms to CRD unless ordered to do so by a judge.

11.6 Limited Use Dismissal

CRD maintains non-public files for certain misdemeanors after the court dismisses the case under the limited use statute. A non-public file is maintained for the following offenses:

- Drug Possession or Use
- Domestic Assault (Spouse Abuse)
- Parental Kidnapping

Form MC 245 (see page 9-11) is only sent to CRD for limited use dismissals. CRD can only accept the MC 245 if the case started as a trackable offense, or the RI-7 accompanies it.

CRD retains the RI-7 and other forms related to the case as a non-public criminal history record. This occurs for trackable offenses as well as for other misdemeanors dismissed under the limited use statutes.

11.6.1 Drug Possession or Use

MCL 333.7411 provides dismissal status for individuals charged with possession or use of controlled substances. An individual can only use this option once.

11.6.2 Domestic Assault (Spouse Abuse)

MCL 769.4a provides dismissal status for individuals dismissed from charges of assaulting a:

- spouse
- former spouse
- person living in the same household as an assaulted spouse or former spouse, or
- person who lived in the same household as an assaulted spouse or former spouse.

An individual may use this option twice.

11.6.3 Parental Kidnapping

MCL 780.350a provides dismissal status for adoptive or natural parents charged with kidnapping a child for more than 24 hours. An individual can only use this option once.

11.7 Processing Non-public Files

The following conditions warrant a non-public file under the limited use statute:

- An individual pleads guilty to or is found guilty of the charges,
- The court places the individual on probation with that individual's consent, and
- The court discharges the individual and dismisses court proceedings.

☐ **Note:**
The discharge is not considered a conviction and does not imply guilt.

These steps start a non-public file:

1. The court fills out the MC 245 form.
 - For drug use or possession, check Box 2.
 - For spouse abuse, check Box 3.
 - For parental kidnapping, check Box 4
2. The court sends the MC 245 and RI-7 to CRD.

☐ **Note:**
The non-public file can only be viewed to determine if the subject has previously made use of the statute.

Appendix A

Public Act. No. 231 of 1986

as amended by Public Act No. 40 of 1988 and Public Act 97 of 1989

STATE POLICE – CRIMINAL IDENTIFICATION AND RECORDS – FINGERPRINTS, REPORTS BY
LOCAL LAW ENFORCEMENT AGENCIES, ETC.

Public Act No. 231 of 1986 as amended by Public Act. No 40 of 1988

HOUSE BILL No. 4598

AN ACT to amend the title and sections 1, 1a, 2, 3, 3a, 5a, and 7 of Act No. 289 of the Public Acts of 1925, entitled as amended "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting crimes and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," sections 1, 2, 3, and 7 as amended and sections 1a and 5a as added by Act No. 231 of the Public Acts of 1986, being sections 28.241, 28.241a, 28.242, 28.243, 28.245a, and 28.247 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 1a, 2, 3, 3a, 5a and 7 of Act No. 289 of the Public Acts of 1925, being sections 1, 2, 3, and 7 as amended and sections 1a and 5a as added by Act No. 231 of the Public Acts of 1986, being sections 28.241, 28.241a, 28.242, 28.243, 28.245a and 28.247 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act.

Sec. 1. The central records division of the department of state police shall be responsible for criminal and juvenile identification and records. The division shall be supplied with the necessary apparatus and materials for collecting, filing, and preserving criminal and juvenile records filed within the division.

Sec. 1a. As used in this act:

(a) "Commanding officer" means the department of state police employee in charge of the central records division.

(b) "Criminal history record information" means name; date of birth; fingerprints; photographs, if available; personal descriptions, including physical measurements, identifying marks, scars, amputations, and tattoos; aliases and prior names; social security and driver's license numbers and other identifying numbers; and information on misdemeanor convictions and felony arrests and convictions.

(c) "Division" means the central records division of the department of state police.

(d) "Felony" means a violation of a penal law of this state.

for which the offender, upon conviction, may be punished by imprisonment for more than 1 year, or an offense expressly designated by law to be a felony.

(e) "Juvenile history record information" means name; date of birth; fingerprints; photographs, if available; personal descriptions, including physical measurements, identifying marks, scars, amputations, and tattoos; aliases and prior names; social security and driver's license numbers and other identifying numbers; and information on juvenile offense arrests and adjudications.

(f) "Juvenile offense" means an offense committed by a juvenile which, if committed by an adult, would be a violation or an attempted violation of section 72, 83, 84, 88, 89, 91, 110, 316, 317, 349, 360, 413, 520b, 520c, 520d, 520g, 529, or 530 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.72, 750.83, 750.84, 750.88, 750.89, 750.91, 750.110, 750.316, 750.317, 750.349, 750.360, 750.413, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, and 750.530 of the Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act No. 368 of the Public Acts of 1978 being sections 333.7401 and 333.7403 of the Michigan Compiled Laws.

(g) "Misdemeanor" means either of the following:

(i) A violation of a penal law of this state which is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine.

(ii) A violation of a local ordinance which substantially corresponds to state law.

Sec. 2. (1) The commanding officer of the division shall procure and file for purposes of criminal identification criminal history record information on all persons who have been convicted within the state of a felony or a misdemeanor, or both. The commanding officer of the division shall procure and file for purposes of juvenile identification juvenile history record information on all juveniles who have been adjudicated to have committed a juvenile offense within the state.

(2) The commanding officer shall provide all reporting officials with forms, numerical identifiers, and instructions which specify in detail the nature of the information required, the time it is to be forwarded, the method of classifying, and other matters to facilitate criminal and juvenile history record information collection and compilation.

(3) The commanding officer shall file the fingerprint impressions and photographs, if available, of all persons confined in a prison or other state correctional facility.

The People of the State of Michigan enact:

Section 1. Section 3 of Act No. 289 of the Public Acts of 1925, as amended by Act No. 40 of the Public Acts of 1988, being section 28.243 of the Michigan Compiled Laws, is amended to read as follows:

* Sec. 3. (1) The police department of a city or village, the police department of a township, the sheriff's department of a county, the department of state police, and any other governmental law enforcement agency in the state, immediately upon the arrest of a person for a felony or for a misdemeanor for which the maximum possible penalty exceeds 92 days imprisonment or a fine of \$1,000.00, or both, or for a juvenile offense, shall take the person's fingerprints in duplicate and forward the fingerprints to the department of state police within 72 hours after the arrest. One set of fingerprints shall be sent to the division on forms furnished by the commanding officer, and 1 set of fingerprints shall be furnished to the director of the federal bureau of investigation on forms furnished by the director.

(2) The police department of a city or village, the police department of a township, the sheriff's department of a county, the department of state police, and any other governmental law enforcement agency in the state may take 1 set of fingerprints of a person who is arrested for a misdemeanor punishable by imprisonment for not more than 92 days, or a fine of not more than \$1,000.00, or both, and who fails to produce satisfactory evidence of identification as required by the section 1 of Act. No. 44 of the Public Acts of 1961, being section 780.581 of the Michigan Compiled Laws. These fingerprints shall be forwarded to the department of state police immediately. Upon completion of the identification process by the department of state police, the fingerprints shall be returned to the arresting agency.

(3) The police department of a city or village, the police department of a township, the sheriff's department of a county, the department of state police, and any other governmental law enforcement agency in the state, upon the arrest of a person for a misdemeanor may take the person's fingerprints on forms furnished by the commanding officer, but may not forward the fingerprints to the department unless the person is convicted of a misdemeanor.

(4) If a petition is not authorized for a juvenile accused of a juvenile offense or if a person arrested for having committed a felony or a misdemeanor is released without a charge made against him or her, the official taking or holding the person's fingerprints, arrest card, and description shall immediately return this information to the person without the necessity of a request. If this information is not returned, the person shall have the absolute right to demand and receive its return at any time after the person's release and without need to petition for court action. The local police agency shall notify the commanding officer in writing that no petition was authorized against the juvenile or that no charge was made against the arrested person if the juvenile's or arrested person's fingerprints were forwarded to the department.

(5) If a juvenile is adjudicated and found not to be within the provisions of section 2(a)(1) of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws or if an accused is found not guilty of the offense, the arrest card, the fingerprints, and description shall be returned to him or her by the official holding this information. If for any reason the official holding the information does not return the information within 60 days of the adjudication or the finding of not guilty, the accused shall have the right to obtain an order from the court having jurisdiction over the case for the return of the information. If the order of return is not complied with, the accused shall have the right to petition the juvenile division of the probate court of the county where the original petition was filed or the circuit court of the county where the original charge was made for a preemprory writ of mandamus to require issuance of the order of return. Upon final disposition of the charge against the accused, the clerk of the court entering the disposition shall notify the commanding officer of any finding of not guilty or not guilty by reason of insanity, dismissal, or nolle prosequi, if it appears that the accused was initially arrested for a felony or a misdemeanor punishable by imprisonment for more than 92 days or of any finding that a juvenile accused of a juvenile offense is not within the provisions of section 2(a)(1) of Act No. 288 of the Public Acts of 1939.

(6) Upon final disposition of the charge against the accused, the clerk of the court entering the disposition shall immediately advise the commanding officer of the final disposition of the arrest for which the accused was fingerprinted if a juvenile was adjudicated to have committed a juvenile offense or if the accused was convicted of a felony or a misdemeanor. With regard to any adjudication or conviction, the clerk shall transmit to the commanding officer information as to any adjudication or finding of guilty or guilty but mentally ill; any plea of guilty, nolo contendere, or guilty but mentally ill; the offense of which the accused was convicted; and a summary of any deposition or sentence imposed. The summary of the sentence shall include any probationary term; any minimum, maximum, or alternative term of imprisonment; the total of all fines, costs, and restitution ordered; and any modification of sentence. If the sentence is imposed under any of the following sections, the report shall so indicate.

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

(b) Sections 11 to 15 of chapter II of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 762.11 to 762.15 of the Michigan Compiled Laws.

(c) Section 4a of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.4a of the Michigan Compiled Laws.

(d) Section 350a(4) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.350a of the Michigan Compiled Laws.

(7) The commanding officer shall record the disposition of each charge and shall inform the director of the federal bureau of investigation of the final disposition of the felony or misdemeanor arrest.

(8) The commanding officer shall compare the fingerprints and description received with those already on file and if the commanding officer finds that the person arrested has a criminal record, the commanding officer shall immediately inform the arresting agency and prosecuting attorney of this fact.

(9) The provisions of this section requiring the return of the fingerprints, arrest card, and description shall not apply in the following cases:

(a) The person arrested was charged with the commission or attempted commission, or if the person arrested is a juvenile, was charged with an offense which if committed by an adult would constitute the commission or attempted commission, of a crime with or against a child under 16 years of age, or the crime of criminal sexual conduct in any degree, rape, sodomy, gross indecency, indecent liberties, or child abusive commercial activities.

(b) The person arrested has a prior conviction other than a misdemeanor traffic offense, unless a judge of a court of record, except the probate court, by express order entered on the record, orders the return.

(10) Subsection (3) does not permit the forwarding to the department of the fingerprints of a person accused and convicted under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or under a local ordinance substantially corresponding to a provision of Act No. 300 of the Public Acts of 1949, unless the offense is punishable upon conviction by imprisonment for more than 92 days or is an offense which would be punishable by imprisonment for more than 92 days as a second conviction.

* Section 3 above was amended by Enrolled House Bill No. 4194. (Amended parts are in bold and underlined)

Sec. 5a. (1) The commanding officer may perform random performance audits of the criminal and juvenile history record information required under this act.

(2) If the commanding officer finds during a performance audit that criminal or juvenile history record information is not being supplied as required under this act, the commanding officer shall report this fact to the attorney general.

(3) Any person required to have his or her fingerprints taken under section 3(1) who refused to allow or resists the taking of his or her fingerprints is guilty of a misdemeanor. Such person must be advised that his or her refusal constitutes a misdemeanor.

Sec. 7. The sheriff of every county and the chief executive officer of the police department of every city, village, and township shall make reports of accused persons against whom a warrant has been issued and the disposition thereof in sexually motivated crimes and juvenile offenses and crimes and juvenile offenses involving sexual conduct verified as such and the disposition of cases resulting from such charges. The department of state police shall provide the forms necessary for reporting such information, and the department shall file the reports or copies of the reports in a separate confidential filing system. The reports shall be available for examination only by the attorney general, any prosecuting attorney, any court of record, the director of the state police, county sheriffs, and the chief executive officer of the police department of any city, village, or township and their authorized officers. The reports shall be held confidential except for official use. Any person who violates any of the confidential provisions of this section shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$500.00, or both.

Appendix B

Public Act. No. 232 of 1986

CRIMINAL DEFENDANTS - FINGERPRINTS - REPORT OF FINAL Disposition

PUBLIC ACT. NO. 232

HOUSE BILL NO. 4551

AN ACT to amend section 1 of chapter IX of Act. No. 175 of the Public Acts of 1927, entitled as amended "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, information, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trial; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act." as amended by Act No. 506 of the Public

Acts of 1980, being section 769.1 of the Michigan Compiled Laws; and to add section 29 to chapter IV and section 16a to chapter IX.

The People of the State of Michigan enact:

Section 1. Section 1 of chapter IX of Act. No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, being section 769.1 of the Michigan Compiled Laws, is amended and section 29 to chapter IV and section 16a to chapter IX are added to read as follows:

CHAPTER IV

Sec. 29. (1) At the time of arraignment of a person on a complaint for a felony or a misdemeanor punishable by imprisonment for more than 92 days, the magistrate shall examine the court file to determine if the person has had fingerprints taken as required by section 3 of Act. No. 289 of the Public Acts of 1925, being section 2.243 of the Michigan Compiled Laws.

(2) If the person has not had his or her fingerprints taken prior to the time of arraignment for the felony or the misdemeanor punishable by imprisonment for more than 92 days, upon completion of the arraignment, the magistrate shall do either of the following:

(a) Order the person to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the person so that the person's fingerprints can be taken.

(b) Order the person committed to the custody of the sheriff or the taking of the person's fingerprints.

CHAPTER IX

Sec. 1. (1) A judge of a court having jurisdiction is authorized and empowered to pronounce judgement against and pass sentence upon a person convicted of an offense in a court upheld by that judge. The sentence shall not be in excess of the sentence prescribed by law.

(2) The sentencing of a person convicted of a felony or a misdemeanor punishable by imprisonment for more than 92 days shall not occur until the court has examined the court file and has determined that the fingerprints of the person have been taken.

Sec. 16a. (1) Except as otherwise provided in subsection (3), upon final disposition of an original charge against a person of a felony or a misdemeanor punishable by imprisonment for more than 92 days, the clerk of the court entering the disposition shall immediately advise the department of state police of the final disposition of the charge on forms approved by the state court administrator. The report to the department of state police shall include information as to the finding of the judge or jury, including a finding of guilty but mentally ill, not guilty, or not guilty by reason of insanity, or the person's plea of guilty, nolo contendere, or guilty but mentally ill; if the person was convicted, the offense of which the person was convicted; and a summary of any sentence imposed. The summary of the sentence shall include any probationary term; any minimum, maximum, or alternative term of imprisonment; the total of all fines, costs, and restitution ordered; and any modification of sentence. If the sentence is imposed under any of the following sections, the report shall so indicate:

(a) Section 7411 of the public health code, Act. No. 368 of the Public Acts of 1978, being section 3.7411 of the Michigan Compiled Laws.

(b) Sections 11 to 15 of chapter II of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 762.11 to 762.15 of the Michigan Compiled Laws.

(c) Section 4a of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.4a of the Michigan Compiled Laws.

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

(3) The clerk of a court is not required to and shall not, unless ordered by a judge of the court, report a conviction of a misdemeanor offense if either of the following apply

(a) The conviction is under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or under a local ordinance substantially corresponding to a provision of Act No. 300 of the Public Acts of 1949, unless the offense is punishable by imprisonment for more than 92 days or is an offense which would be punishable by more than 92 days as a second conviction.

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

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

Section 2. This amendatory act shall not take effect unless House Bill No. 4254 of the 83rd Legislature is enacted into law.

Section 3. This amendatory act shall take effect June 1, 1987.

Approved Oct. 2, 1986.

Filed Oct. 3, 1986.

Appendix C

Public Act. No. 72 of 1988

STATE OF MICHIGAN

JUVENILE DEFENDANTS FINGERPRINTS – REPORT OF FINAL DISPOSITION

PUBLIC ACT. NO. 72

HOUSE BILL NO. 4599

AN ACT to amend sections 11 and 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, entitled as amended "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state department, agencies, and officers; and to provide remedies and penalties for the violation of this act," section 11 as amended by Act No. 18 of the Public Acts of 1988 and section 18 as amended by Act No. 398 of the Public Acts of 1982, being sections 712.11 and 712A.18 of the Michigan Compiled Laws; and to add section 18e.

The People of the state of Michigan enact:

Section 1. Sections 11 and 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, section 11 as amended by Act No. 18 of the Public Acts of 1988 and section 18 as amended by Act No. 398 of the Public Acts of 1982 being sections 712A.11 and 712A.18 of the Michigan Compiled Laws, are amended and section 18e is added to read as follows:

CHAPTER XIIA

Sec. 11. (1) If a person gives information to the juvenile division of the probate court that a child is within section 2(a)(2) to (6), (b), (c), or (d) of this chapter, a preliminary inquiry may be made to determine whether the interests of the public or of the child require that further action be taken. If it appears that formal jurisdiction should be acquired, the court shall authorize a petition to be filed. Only the prosecuting attorney may file a petition requesting the court to take jurisdiction of a child allegedly within section 2(a)(1) of this chapter. If the prosecuting attorney submits a petition requesting the court to take jurisdiction of a child allegedly within section 2(a)(1) of this chapter and it appears that formal jurisdiction should be acquired, the court shall authorize a petition to be filed.

(2) The petition described in subsection (1) shall be verified and may be upon information and belief. The petition shall set forth plainly the facts that bring the child within this chapter and shall contain all of the following information:

- (a) The name, birth date, and address of the child.
- (b) The name and address of the child's parents.
- (c) The name and address of the child's legal guardian, if there is one.
- (d) The name and address of each person having custody or control of the child.
- (e) The name and address of the child's nearest known relative, if no parent or guardian can be found.

(3) If any of the facts required by subsection (2) are not known to the petitioner, the petition shall so state. If the child attains his or her seventeenth birthday after the filing of the petition, the jurisdiction of the court shall continue beyond the child's seventeenth birthday, and the court shall have authority to hear and dispose of the petition in accordance with this chapter.

(4) At the time a petition is authorized, the court shall examine the court file to determine if a child has had fingerprints taken as required by section 3 of Act No. 289 of the Public Acts of 1925, being section 28.243 of the Michigan Compiled Laws. If a child has not had his or her fingerprints taken, the court shall do either of the following:

(a) Order the child to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the child so that child's fingerprints can be taken.

(b) Order the child committed to the custody of the sheriff for the taking of the child's fingerprints.

(5) A petition or other court record may be amended at any stage of the proceedings, as the ends of justice require.

(6) If the juvenile diversion act is complied with and it appears that court services can be used in the prevention of delinquency without formal jurisdiction, the court may offer court services to children without a petition being authorized as provided in section 2(e) of this chapter.

Sec.18. (1) If the court finds that a child concerning whom a petition has been filed is not within this chapter, the court shall enter an order dismissing the petition. Except as otherwise provided in subsection (15), if the court finds that a child is within this chapter, the court may enter any of the following orders of disposition which is appropriate for the welfare of the child and society in view of the facts proven and ascertained:

(a) Warn the child or the child's parents, guardian, or custodian and dismiss the petition.

(b) Place the child on probation, or under supervision in the child's own home or in the home of an adult who is related to the child. As used in this subdivision "related" means any of the following relationships, by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, or aunt. The probation or supervision shall be upon such terms and conditions, including reasonable rules for the conduct of the parents, guardian, or custodian, if any, designed for the physical, mental, or moral well-being and behavior of the child, as the court determines.

(c) Place the child in a suitable foster home, which if a home of persons not related to the child, shall be licensed as provided by law.

(d) Place the child in or commit the child to a private institution or agency approved or licensed by the state department of social services for the care of children of similar age, sex, and characteristics.

(e) Commit the child to a public institution, county facility, institution operated as an agency of the court or county, or agency authorized by law to receive children of similar age, sex, and characteristics. In a placement under subdivision (d) or a commitment under this subdivision, except to a state institution, the religious affiliation of the child shall be protected by placement or commitment to a private child-placing or child-caring agency or institution, if available. The court, in every order of commitment under this subdivision to a state institution or agency described in the youth rehabilitation services act, Act No. 150 of the Public Acts of 1974, as amended, being sections 803.301 to 803.309 of the Michigan Compiled Laws or in Act No. 220 of the Public Acts of 1935, as amended, being sections 400.201 to 400.214 of the Michigan Compiled Laws, shall name the superintendent of the institution to which the child is committed as a special guardian to receive benefits due the child from the government of the United States, and the benefits shall be used to the extent necessary to pay for the portions of the cost of care in the institution which the parent or parents are found unable to pay.

(f) Provide the child with medical, dental, surgical, or other health care, in a local hospital if available, or elsewhere, maintaining as much as possible a local physician-patient relationship, and with clothing and other incidental items as the court considers necessary.

(g) Order the parents, guardian, custodian, or any other person to refrain from continuing conduct which, in the opinion of the court, has caused or tended to cause the child to come within or to remain under this chapter, or which obstructs placement or commitment of the child pursuant to an order under this section. (2) An order of disposition placing a child in or committing a child to care outside of the child's own home and under state or court supervision shall contain a provision for the reimbursement by the child, parent, guardian, or custodian to the court for the cost of care or service. The order shall be reasonable, taking into account both the income and resources of

the child, parent, guardian, or custodian. The amount may be based upon the guidelines and model schedule created under subsection (6). The reimbursement provisions shall apply during the entire period the child remains in care outside of the child's own home and under state or court supervision, unless the child is in the permanent custody of the court. The court shall provide for the collection of all amounts ordered to be reimbursed, and the money collected shall be accounted for and reported to the county board of commissioners. Collections to cover delinquent accounts or to pay the balance due on reimbursements orders may be made after a child is released or discharged from care outside the child's own home and under state or court supervision. Twenty-five percent of all amounts collected pursuant to an order entered under this subsection shall be credited to the appropriate fund of the county to offset the administrative cost of collections. The balance of all amounts collected pursuant to an order entered under this subsection shall be divided in the same ratio in which the county, state, and federal government participate in the cost of care outside the child's own home and under state or court supervision. The court may also collect benefits paid for the cost of care of a court ward from the government of the United States. Money collected for children placed with or committed to the state department of social services shall be accounted for and reported on an individual child basis.

(3) An order of disposition placing a child in the child's own home under subsection (1)(b) may contain a provision for the reimbursement by the child, parent, guardian, or custodian to the court for the cost of service. If an order is entered under this subsection, amounts due shall be determined and treated in the same manner provided for an order entered under subsection (2).

(4) An order directed to a parent or a person other than the child shall not be effectual and binding on the parent or other person unless opportunity for hearing has been given pursuant to issuance of summons or notice as provided in sections 12 and 13 of this chapter, and until a copy of the order, bearing the seal of the court, is served on the parent or other person, personally or by first class mail, to the parents or other person's last known address, as provided in section 13 of this chapter.

(5) If the court appoints an attorney to represent a child, parent, guardian, or custodian, an order entered under this section may require the child, parent, guardian, or custodian to reimburse the court for attorney fees.

(6) The office of the state court administrator, under the supervision and direction of the supreme court and in consultation with the state department of social services and the Michigan probate and juvenile court judges association, shall create guidelines and a model schedule which may be used by the court in determining the ability of the child, parent, guardian, or custodian to pay for care and any costs of service ordered under subsection (2) or (3). The guidelines and model schedule shall take into account both the income and resources of the child, parent, guardian, or custodian.

(7) If the court finds that a child has violated any municipal ordinance or state or federal law, and the court has placed the child on probation, the court may, as a condition of probation, require the child to do either of the following:

(a) Both of the following:

(i) Pay restitution to the victim.

(ii) Engage in community service or with the victim's consent perform service for the victim.

(b) Seek and maintain paid part-time or full-time employment and pay restitution to the victim from the earnings of that paid part-time or full-time employment.

(8) If the court imposes restitution as part of a sentence of probation, the following shall apply:

(a) The court shall not require a child to pay restitution unless the child is or will be able to pay all or part of the restitution during the term of his or her probation. In determining the amount and method of payment of restitution, the court shall take into account the financial resources of the child and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations that the child may have.

(b) The amount of restitution a court orders a child to pay under subsection (7)(b) shall not exceed 30% of the net income per pay period from the child's paid part-time or full-time employment.

(c) A child who is required to pay restitution and who is not in intentional default of the payment of restitution may petition the court, or any adult acting on the child's behalf may petition the court, for a modification of the amount of restitution owed or for a cancellation of any unpaid portion of the restitution.

(d) The court shall cancel all or part of the amount of restitution due if it appears to the satisfaction of the court that payment of the amount due will impose a manifest hardship on the child.

(e) If the court cancels all or a part of the amount of restitution, the court may modify the terms and conditions of probation to require the child to engage in community service.

(9) If a child is required to pay restitution as part of the sentence of probation, the court shall provide for payment to be made in specified installments and within a specified period of time.

(10) If the court finds that the child is in intentional default of the payment of restitution, a court may revoke or alter the terms and conditions of probation for nonpayment of restitution.

(11) If a child who is ordered to engage in community service intentionally refuses to perform the required community service, the court may revoke or alter the terms and conditions of probation.

(12) If the child is unable to pay all of the restitution ordered, after notice to the child's custodial parent and an opportunity for the parent to be heard, the court may order the custodial parent to pay all or part of the unpaid portion of the restitution ordered. The amount of restitution the parent is ordered to pay under this subsection shall not exceed \$2,500.00.

(13) If the court orders the custodial parent to pay restitution under subsection (12), the court shall take into account the financial resources of the parent and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay restitution under subsection (12), the court shall provide for payments to be made in specified installments and within a specified period of time.

(14) A parent who has been ordered to pay restitution under subsection (12) may petition the court for a modification of the amount of restitution owed or for a cancellations of any unpaid portion of the restitution. The court shall cancel all or part of the amount of restitution due, if it appears to the satisfaction of the court that payment of the amount due will impose a manifest hardship on the parent.

(15) The court shall not enter an order of disposition for a juvenile offense as defined in section 1a of Act No. 289 of the Public Acts of 1925, being section 28.241a of the Michigan Compiled Laws, until the court has examined the court file and has determined that the child fingerprints have been taken as required by section 3 or Act No. 289 of the Public Acts of 1925, being section 28.243 of the Michigan Compiled Laws. If a child has not had his or her fingerprints taken, the court shall do either of the following:

(a) Order the child to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the child so that child's fingerprints can be taken.

(b) Order the child committed to the custody of the sheriff for the taking of the child's fingerprints.

(16) Upon disposition or dismissal of a juvenile offense, the clerk of the court entering the disposition or dismissal shall immediately advise the department of state police of the disposition or dismissal on forms approved by the state court administrator. The report to the department of state police shall include information as to the finding of the judge or jury and a summary of the disposition imposed.

Sec. 18e. (1) Except as provided in subsection (2), a person who has been adjudicated of not more than 1 juvenile offense and who has no felony convictions may file an applications with the adjudicating court for the entry of an order setting aside the adjudication. A person may have only 1 adjudication set aside under this section.

(2) A person shall not apply to have set aside, nor may a judge set aside, an adjudication for an offense which if committed by an adult would be a felony for which the maximum punishment is life imprisonment or an adjudication for a traffic offense under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or a local ordinance substantially corresponding to that act, which violation involves the operation of a vehicle and at the time of the violation is a felony or misdemeanor.

(3) An application shall not be filed until the expiration of 5 years following imposition of the disposition for the adjudication which the applicant seeks to set aside, or 5 years following completion of any term of detention for that adjudication, or when the person becomes 24 years of age, whichever occurs later.

(4) The application shall contain the following information and shall be signed under oath by the person whose adjudication is to be set aside:

(a) The full name and current address of the applicant.

(b) A certified record of the adjudication that is to be set aside.

(c) A statement that the applicant has not been adjudicated of a juvenile offense other than the one that is sought to be set aside as a result of this application.

(d) A statement that the applicant has not been convicted of any felony offense.

(e) A statement as to whether the applicant has previously filed an application to set aside this or any other adjudication and, if so, the disposition of the application.

(f) A statement as to whether the applicant has any other criminal charge pending against him or her in any court in the United States or in any other county.

(g) A consent to the use of the nonpublic record created under subsection (13), to the extent authorized by subsection (13).

(5) The applicant shall submit a copy of the application and a complete set of fingerprints to the department of state police. The department of state police shall compare those fingerprints with the records of the department, including the nonpublic record created under subsection (13), and shall report to the court in which the application is filed the information contained in the department's records with respect to any pending charges against the applicant, any record of adjudication or conviction of the applicant, and the setting aside of any adjudication or conviction of the applicant. The court shall not act upon the application until the department of state police reports the information required by this subsection to the court.

(6) The copy of the application submitted to the department of state police pursuant to subsection (5) shall be accompanied by a fee of \$15.00 payable to the state of Michigan. The department of state police shall use the fee to defray the expenses incurred in processing the application.

(7) A copy of the application shall be served upon the attorney general and, if applicable, upon the office of the prosecuting attorney who prosecuted the offense. The attorney general and the prosecuting attorney shall have an opportunity to contest the application.

(8) Upon the hearing of the application, the court may require the filling of such affidavits and the taking of such proofs as it considers proper.

(9) Except as provided in subsection (10), if the court determines that the circumstances and behavior of the applicant from the date of the applicant's adjudication to the filling of the application warrant setting aside the adjudication and that setting aside the adjudication is consistent with the public welfare, the court may enter an order setting aside the adjudication. Except as provided in subsection (10), the setting aside of an adjudication under this section is a privilege and conditional, and is not a right.

(10) Notwithstanding subsection (9), the court shall set aside the adjudication of a person who was adjudicated for an offense which if committed by an adult would be a violation or an attempted violation of section 413 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.413 of the Michigan Compiled Laws, if the person files an application with the court and otherwise meets the requirements of this section.

(11) Upon the entry of an order under this section, the applicant, for purposes of the law, shall be considered not to have been previously adjudicated, except as provided in subsection (13) and as follows:

(a) The applicant shall not be entitled to the remission of any fine, costs, or other sums of money paid as a consequence of an adjudication that is set aside.

(b) This section does not affect the right of the applicant to rely upon the adjudication to bar subsequent proceedings for the same offense.

(c) This section does not affect the right of a victim of an offense to prosecute or defend a civil action for damages.

(d) This section shall not be construed to create a right to commence an action for damages for detention under the disposition which the applicant served before the adjudication is set aside pursuant to this section.

(12) Upon the entry of an order under this section, the court shall send a copy of the order to the arresting agency and the department of state police.

(13) The department of state police shall retain a nonpublic record of the order setting aside an adjudication and of the record of the arrest, fingerprints, adjudication, and disposition of the applicant in the case to which the order applies. Except as provided in subsection (14), this nonpublic record shall be made available only to a court of competent jurisdiction, an agency of the judicial branch of state government, a law enforcement agency, a prosecuting attorney, the attorney general, or the governor upon request and only for the following purposes:

- (a) For consideration in a licensing function conducted by an agency of the judicial branch of state government.
- (b) For consideration by a law enforcement agency if a person whose adjudication has been set aside applies for employment with the law enforcement agency.
- (c) To show that a person who has filed an application to set aside an adjudication has previously has an adjudication set aside pursuant to this section.
- (d) For the court's consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than 1 year.
- (e) For consideration by the governor, if a person whose adjudication has been set aside applies for a pardon for another offense.

(14) A copy of the nonpublic record created under subsection (13) shall be provided to the person whose adjudication is set aside under this section upon payment of a fee determined and charged by the department of state police in the same manner as the fee prescribed in section 4 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.234 of the Michigan Compiled Laws.

(15) The nonpublic record maintained under subsection (13) shall be exempt from disclosure under Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled laws.

(16) A person, other than the applicant, who knows or should have know that an adjudication was set aside under this section, who divulges, uses, or publishes information concerning an adjudication set aside under this section, except as provided in subsection (13), is guilty of a misdemeanor.

Section 2. This amendatory act shall not take effect unless House Bill No. 4598 of the 84th Legislature is enacted into law.

Section 3. This amendatory act shall take effect June 1, 1988.

This act is ordered to take immediate effect.

Appendix D

Modified Crime Class Codes

CRIMES AGAINST PERSON

0900	Murder
1000	Kidnapping
1100	Sexual Assault
1200	Robbery
1300	Assault
1400	Abortion

PROPERTY CRIMES

2000	Arson
2100	Extortion
2200	Burglary
2300	Larceny
2400	Motor Vehicle Theft
2500	Forgery/Counterfeiting
2600	Fraudulent Activities
2700	Embezzlement
2800	Stolen Property
2900	Damage To Property

MORALS/DECENCY CRIMES

3500	Controlled Substance Violations
3600	Sex Offenses
3700	Obscenity
3800	Family Offenses
3900	Gambling
4000	Commercialized Sex Offenses
4100	Liquor (Except OUIL & Tax Revenue)

PUBLIC ORDER CRIMES

4800	Obstructing Police
4900	Escape/Flight
5000	Obstructing Justice
5100	Bribery
5200	Weapons Offenses
5300	Public peace
5400	Traffic
5500	Health & Safety (Except Traffic)
5600	Civil Rights
5700	Invasion of Privacy
5800	Smuggling
5900	Election Laws
6000	Antitrust
6100	Tax/Revenue
6200	Conservation
6300	Vagrancy
7300	Miscellaneous Criminal Offense