

# Order

Michigan Supreme Court  
Lansing, Michigan

March 10, 2009

Marilyn Kelly,  
Chief Justice

ADM File No. 2009-08

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

Proposed Amendment of  
Rule 3.936 of the Michigan  
Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.936 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 3.936 Fingerprinting

(A)-(C)[Unchanged.]

(D) Order for ~~Return~~Destruction of Fingerprints. When a juvenile has been fingerprinted for a juvenile offense, but no petition on the offense is submitted to the court, the court does not authorize the petition, or the court does not take jurisdiction of the juvenile under MCL 712A.2(a)(1), if the records have not been destroyed as provided by MCL 28.243(7)-(8), the court, on motion filed pursuant to MCL 28.243(8), shall:

(1) issue an order directing the Department of State Police, or other official holding the information, to ~~return~~destroy the fingerprints and, arrest card, ~~and description~~ of the juvenile pertaining to the offense, other than an offense as listed in MCL 28.243(12); ~~and~~

- (2) ~~direct that fingerprint information in the court file pertaining to the offense be destroyed.~~

Staff Comment: This proposal would eliminate the procedure by which a juvenile could ask for the return of fingerprints, and instead would require the destruction of fingerprints, which more closely follows the statutory authority in MCL 28.243.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by July 1, 2009, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to ADM File No. 2009-08. Comments will be posted at [www.courts.mi.gov/supremecourt/resources/administrative/index.htm](http://www.courts.mi.gov/supremecourt/resources/administrative/index.htm).



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 10, 2009

*Corbin R. Davis*

Clerk