

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 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

Amendment of Rule 3.936
of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.936 of the Michigan Court Rules is adopted, effective January 1, 2010.

[Additions are indicated by underline, 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: The amendment of MCR 3.936 eliminates the reference to the return of juvenile fingerprints, and instead, requires 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.



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.

September 9, 2009

Corbin R. Davis

Clerk