



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Phone (517) 373-4835

Jennifer Warner
Director

MEMORANDUM

DATE: January 24, 2013

TO: All Judges
cc: Court Administrators
County Clerks
Probate Registers

FROM: Jim Inloes, Management Analyst

RE: 2012 Public Acts 547, 548, 549, and 550

On January 2, 2013, the governor signed Public Acts [547](#), [548](#), [549](#), and [550](#), which amend specific statutes that authorize the court to defer a judgment of guilt. The amendments address the time at which the court records and the records of the state police become nonpublic. They become effective on **April 1, 2013**. These changes will result in less confusion for defendants, court staff, and law enforcement. Under the new statutory language, these cases will be treated in the same manner as Holmes Youthful Training Act, MCL 762.16 et seq. cases. The court record and records of the Michigan State Police become nonpublic at the time a judge defers judgment, rather than at the time a defendant successfully completes a probation period. Below are the specifics of the public acts.

1. **Drug court cases pursuant to MCL 600.1076(10)**: Unless the court enters a judgment of guilt or an adjudication of responsibility under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section.
2. **Parental kidnapping cases pursuant to MCL 750.350a(6)**: Unless the court enters a judgment of guilt or an adjudication of responsibility under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section.

3. **Controlled substance cases pursuant to MCL 333.7411(3)**: Unless the court enters a judgment of guilt or an adjudication of responsibility under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section.

4. **Domestic violence cases pursuant to MCL 769.4a(7)**: Unless the court enters a judgment of guilt or an adjudication of responsibility under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section.

Court clerks should remember to notify the arresting law enforcement agency for any case in which a deferred judgment of guilt has been entered. If you have any questions, please contact Jill Booth at 517-373-3756, Jim Inloes at 517-373-0122, Bobbi Morrow at 517-373-2173, or Stacy Westra at 517-373-9574.