



## **MICHIGAN STATE POLICE CRIMINAL JUSTICE INFORMATION CENTER CRIMINAL HISTORY SECTION**

### **COURT DISPOSITION ISSUES**

#### **Fingerprints**

Before a defendant appears in court, a LEIN QUERY should be conducted to insure that the arrest fingerprints have been taken for any offense with a maximum incarceration penalty greater than 92 days. If the arrest segment is not in LEIN, the court should enter an Order for Fingerprints (MC 233). Without arrest fingerprints, the final court disposition will not appear on the Criminal History Record. If the arrest segment is in LEIN, then no new fingerprints should be taken for the case and the court should submit a disposition using either the TCN & OCA on the arrest in LEIN.

#### **Personal Protection Orders (PPO)**

If a defendant is convicted of violating a PPO, fingerprints must be on file for the conviction to appear on CHR. The disposition should be submitted by using the CTN number if issued by the prosecutor or the TCN/OCA on the arrest in LEIN.

#### **PPO Violations-Contempt of Court**

MCL 28.243 describes the offenses for which fingerprints must be taken. Those include felonies, misdemeanors punishable by more than 92 days imprisonment, and criminal contempt under MCLs 600.2950, 2950a, and 2950i (PPO violations).

While it could be argued that criminal contempt under MCL 600.1715 is a misdemeanor (as defined in MCL 761.1), it appears that the legislature intended to exclude such violations from fingerprint requirements as they expressly included "PPO contempt" while choosing not to list other forms of contempt.

Contempt on an underlying criminal or civil case other than a PPO Violation is not a new charge and should not be entered as a new count on a case, does not require fingerprints, and cannot be reported to MSP.

## **Dispositions of Misdemeanors/Ordinance Violations**

When a charge was not initiated with a CTN, transmit misdemeanor and ordinance dispositions to MSP by using the TCN/OCA on the arrest in LEIN. Include the PACC CODE that substantially corresponds to the violation.

It is the court's responsibility to include the corresponding state PACC Code. This will ensure to CJIC that the ordinance violation is in compliance to MCL 28.243. These cases will reflect as ordinances in the judicial segment of the criminal history rap sheet. If you need assistance in determining the correct state PACC Code or need an updated list of PACC Codes, please contact the Prosecuting Attorneys Coordinating Council/Prosecuting Attorneys Association of Michigan (PACC/PAAM) at 517-334-6060. MSP uses the PACC Codes as determined by PACC/PAAM.

While ordinances that do not substantially correspond to a state statute are not able to be maintained by the Michigan State Police (MSP), occasionally fingerprints will still be submitted for a case that is closed without a state-corresponding statute. If so, courts still need to report a disposition for the case to MSP, entering "111.111" in the PACC Code field and using "NSC – No State Code" as the disposition code as well as the ordinance flag. This is necessary so the case may be removed from both the state and federal records.

Non-electronic reporting courts may fax a copy of the judgment to 517-241-0866, email a copy to [MSP-CRD-JUDICIAL@michigan.gov](mailto:MSP-CRD-JUDICIAL@michigan.gov) (stating in the subject line "No Corresponding State PACC Code", or mail a copy to: MSP-CJIC, Attn: Record Processing, P.O. Box 30634, Lansing, MI 48909.

Please include the Tracking Control Number (TCN), Originating Agency Case Number (OCA), and final charge (literal) on documents.

## **MCL 771.1 Delayed Sentence**

Transmit (EJUD) the adjudication of guilt (plea taken) and any conditions of the delay such as probation and monetary assessments to MSP. The court may include in the sentencing remarks, "sentence delayed until (date)". DO NOT include any sentence terms. When the probation period is completed, update the CCH using your **MJUD** screen to enter the appropriate PACC code, disposition, and sentence terms in the court sentence remarks field.

Refer to the SCAO chart [Deferred Judgment of Guilt and Delayed Sentence for Adult Offenders; Comparison of Processing](#) for further information. <http://courts.michigan.gov/>

## **District Court Bind Over to Circuit (BOC)**

When transmitting an EJUD of BOC to MSP, the system now has the ability to accept all counts.

Example:

Count 1- Dismissed at District, Count 2- BOC, Count 3-BOC, count 4-Dismissed at District.

## **Paper Dispositions**

**DO NOT submit paper dispositions to MSP when a disposition has been transmitted electronically.**

### Paper Disposition Exceptions:

- MC 235- Motion and Order For Destruction of Fingerprints and Arrest Card
- MC 228- Order on Application to Set Aside Conviction
- JC 66- Order to Set Aside Adjudication
  
- When a defendant is convicted of multiple counts and one of the counts is deferred under a non-public file, such as MCL 333.7411, and convicted or dismissed on other counts, the court dispositions all counts to MSP, Enter Judicial (EJUD). When the probation period has been completed, take the following measures:
  - If probation was unsuccessful and the deferred statute was revoked, modify the Court Disposition Code (CDC) to the plea taken for that count.
  - If probation was successfully completed you may select one of two options:
    - Cancel Judicial (CJUD) only on convicted count/s (CCN) entered. Modify Judicial (MJUD) deferred statute count to the appropriate dismissal statute court disposition code (CDC) to update the incident record to a *non-public* status. *OR*
    - CJUD all counts (yes). Now EJUD the non-public record to the appropriate dismissal statute code to update the incident to a *non-public* status.

Send a copy of the convicted counts to MSP CJIC by mail or fax to 517-241-0866. At this time MSP will create an incident on the Criminal History Record to reflect the final disposition for the convicted counts. Make note on which count was place in a non-public status.

## **SPECIAL ATTENTION-Deferred Status Cases**

Reminder: When Entering a Judicial (EJUD) court disposition electronically to MSP with a deferred status, use the correct court disposition codes: DPC – Deferred-Mental-Health-Court, DPD – Deferred-7411, DPH – Deferred-Licensed-Health-Care, DPK – Deferred-Parental-Kidnapping, DPM – Deferred-Minor-in-Possession, DPS – Deferred-Spouse-Abuse, DPT – Deferred-Drug-Treatment-Court, DPV – Deferred-Veterans-Court, and DPY – Deferred- HYTA.

Transmit a Modify Judicial (MJUD) when to update the incident to either the non-public status code if probation was successful or if in violation and deferred status revoked, enter plea taken. The dismissal codes are DMC – Dismissed-Mental-Health-Court, DMD – Dismissed-7411, DMH – Dismissed-Licensed-Health-Care, DMK – Dismissed-Parental-Kidnapping, DMM – Dismissed-Minor-in-Possession, DMS – Dismissed-Spouse-Abuse, DMT – Dismissed-Drug-Treatment-Court, DMV – Dismissed-Veterans-Court, and DMY – Dismissed- HYTA.

**DO NOT** enter “DIS – Dismissed” or “PLG – Pled Guilty” as the disposition code and then writes in the probation status in the sentence remarks scan line. This may cause the record to be expunged or disseminated in accordance with MCL 28.243.

## **Non-Public Records**

Before being placed in accordance with the following statutes, query the criminal history record by using purpose code C. Any non-public records are accessible only by using the specific purpose code in scan line 52 that is associated with the type of offense.

- MCL 333.7411 Controlled Substance (52:7411/)
- MCL 769.4a Domestic Assault (52:ABUSE/)
- MCL 750.350a Parental Kidnapping (52:KID/)
- MCL 750.430 Practicing Under the Influence (52:HEAL/)
- MCL 436.1703 Minor In Possession (52:MIP/)
- MCL 600.1070 Drug Treatment Court (52:DTCT/)
- MCL 600.1095 Mental Health Treatment Court (52:MHC/)
- MCL 600.1206 Veterans Treatment Court (52:VET/)
- MCL 762.14 Holmes Youthful Trainee Act (52:HYTA/)
- MCL 780.623 Set Aside Conviction (52:CSA/)
- MCL 712A.18E Set Aside Adjudication (52:CSA/)

If there is a specified non public record on file for the individual, that single incident record having a matching court disposition is provided for your review. A “No Record” response will be received when there is no matching disposition on file for the defendant.

## **Open, Deferred, Transferred and Pending Case Reports**

MSP can generate four types of incomplete case reports: Open Case Reports (arrests without matching dispositions); Deferred Case Reports (dispositions in “deferred status” not updated); Transferred Case Reports (cases such as bind-overs and remands where final disposition has not been received); and Pending Case Reports (dispositions not matched to prints). MSP will attempt to provide courts the reports annually or upon request. To request the incomplete case reports for your court, please email MSP Quality Control Auditor Ted Kilvington at [KilvingtonT@Michigan.gov](mailto:KilvingtonT@Michigan.gov) including both your court ORI and the year(s) you’d like to review.

## **Partial Cases**

Reminder: Cases that have been partially dismissed or nolle prosequi should not be transmitted to MSP until disposition has been submitted on ***all counts***. Entering partial dispositions may cause the record to be inadvertently expunged in accordance with MCL 28.243.

## **Electronic Disposition Questions**

Any questions or concerns with submissions of your electronically transmitted court dispositions, please contact the MSP Court Reporting Coordinator at telephone 517-284-3106, fax 517-241-0866 or email [MSP-CourtRej@Michigan.gov](mailto:MSP-CourtRej@Michigan.gov).

To request a copy of the “Automated Court Reject Resolution Guide” please email: [MSP-CourtRej@Michigan.gov](mailto:MSP-CourtRej@Michigan.gov).

## **Old Cases**

A court disposition that you are unable to electronically update on CHR, please email information to [MSP-CRD-JUDICIAL@Michigan.gov](mailto:MSP-CRD-JUDICIAL@Michigan.gov) or fax to 517-241-0866. For rejected electronic dispositions, you may email [MSP-CourtRej@Michigan.gov](mailto:MSP-CourtRej@Michigan.gov).

Include subjects name, date of birth, arrest date, CTN and charge (if state case) court case number, date of disposition, and final charge (PACC Code) and sentence information for each count.

## **Prosecutor's Re-Issuing of Warrants**

Due to processing problems caused when warrants are dismissed and then re-issued, the "Criminal History Workgroup" (consisting of MSP-CJIC, PACC/PAAM, and court representatives) has made the following recommendation:

The prosecutor's office should assign a new Criminal Tracking Number (CTN) to the re-issued warrant. If the arrest/incident is not on the CHR, the court needs to do an "Order for Fingerprints" (MC-233). A new arrest incident is to be submitted to MSP by the arresting agency.

Questions concerning prosecutor warrant re-issuing may be directed to:

Mr. Todd D. Self at 517-284-3106 email [Selft@Michigan.gov](mailto:Selft@Michigan.gov) or Ms. Paula Campbell at 517-284-3084 email [CampbellP12@michigan.gov](mailto:CampbellP12@michigan.gov).

## **Set Aside Conviction/Adjudication**

MSP is experiencing an increase of applications. When scheduling a court date for a hearing regarding a set aside conviction, please allow 90 to 120 days for MSP to respond to the court with a copy of the defendant's criminal history.

MCL 780.621(5) prohibits the court from acting on an Application to Set Aside Conviction until after the report is received by the court.

- [Application On Set Aside Conviction \(MCL 750.621\) Court Form- MC 227](#)
- [Application On Set Aside Adjudication \(MCL 712A.18E\) Court Form- JC 66](#)

Mail a copy of the final order to set aside a conviction (granted or denied) on the approved form to MSP and MDOC. The court cannot enter this order electronically.

- Order On [Application To Set Aside Conviction, MC 228](#)
- Order On [Application To Set Aside Adjudication, JC 66](#)

If there are any questions or concerns regarding Set Aside issues, please contact the Michigan State Police CJIC at telephone 517-241-0606, fax 517-241-0866.