

Order

**Michigan Supreme Court
Lansing, Michigan**

April 3, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2023-06

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Retention of the Amendments of
Rules 6.001 and 8.119, and the
Addition of Rule 6.451 of the
Michigan Court Rules

Additional Amendments of Rules
6.451 and 8.119 of the Michigan
Court Rules

On order of the Court, notice and an opportunity for comment at a public hearing having been provided, the Court retains the amendments of Rules 6.001 and 8.119 and the addition of Rule 6.451 adopted in its order dated March 29, 2023, and effective immediately, Rules 6.451 and 8.119 are amended further as indicated below.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover]

Rule 6.451 Reinstatement of Convictions Set Aside Without Application

A conviction that was ~~automatically~~ set aside by operation of law under MCL 780.621g must be reinstated by the court only as provided in MCL 780.621h. The court must:

(A)-(C) [Unchanged.]

An order for reinstatement of a conviction that was improperly or erroneously set aside as provided in MCL 780.621h(2) must advise the individual whose conviction is being reinstated that he or she may object to the reinstatement by requesting a hearing. The request must be filed with the court on a form approved by the State Court Administrative Office.

Rule 8.119 Court Records and Reports; Duties of Clerks

(A)-(G) [Unchanged.]

- (H) Access to Records. Except as otherwise provided in subrule (F), only case records as defined in subrule (D) are public records, subject to access in accordance with these rules.

(1)-(8) [Unchanged.]

- (9) Set Aside Convictions. Access to information on set aside convictions is ~~nonpublic and access~~ is limited to a court of competent jurisdiction, an agency of the judicial branch of state government, the department of corrections, a law enforcement agency, a prosecuting attorney, the attorney general, and the governor upon request and only for the purposes identified in MCL 780.623. Access may also be provided to the individual whose conviction was set aside, that individual's attorney, and the victim(s) as defined in MCL 780.623. The court must redact all information related to the set aside conviction or convictions before making the case record or a court record available to the public in any format.

(I)-(L) [Unchanged.]

Staff Comment (ADM File No. 2023-06): The amendment of MCR 6.451 clarifies the court's duties for reinstatement of convictions set aside without an application. The amendment of MCR 8.119 establishes a similar level of access to set aside information contained in court records as MCL 780.623 establishes for accessing set aside information contained in Michigan State Police records.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, 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.

April 3, 2024

Clerk