



Michigan Supreme Court

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MEMORANDUM

DATE: April 8, 2024

TO: Circuit, District, and Municipal Court Judges
Circuit, District, and Municipal Court Administrators
County Clerks

FROM: Thomas P. Boyd, State Court Administrator

SUBJECT: Adult Automatic Set Aside – Remaining Court Rule Amendments and PACC Code Reporting

This week marks the one-year anniversary of automatic adult set aside implementation. I want to thank every trial court for their diligence and partnership throughout this process, which began long before the effective date. As we shift from initial implementation to ongoing support, this memo summarizes the remaining court rule amendments related to the automatic adult set aside process as well as information related to PACC code reporting that builds upon the foundation we set together.

Michigan Court Rule Amendments and Additions

On April 3, 2024, the Michigan Supreme Court entered two separate orders retaining, further amending, and adopting court rules related to automatically setting aside adult convictions. Trial courts that use the Judicial Information Services (JIS) case management system (CMS) do not need to complete any CMS work in response to these orders. The JIS CMS will be programmed to implement these amendments and additions by the effective date. Trial courts that do not use the JIS CMS should reach out to their provider to discuss programming necessary for implementation.

- **MCR 6.110(G) & (J):** Effective July 2, 2024, the amendments to MCR 6.110(G) and (J) expand the types of documents that must be transmitted to the circuit, district, or municipal courts upon bindover or remand. The amended rule requires the district and municipal court to transmit “the case file, any recognizances received, and a copy of the register of actions” upon bindover. Prior to the amendment, MCR 6.110 required transmission of the prosecutor’s authorization for a warrant application, the complaint, a copy of the register of actions, the examination return, and any recognizances received. The amendment expands the enumerated documents required for transmittal by including the case file, MCR 8.119(D)(1)(b) defines “case file” as the file “bearing the case number assigned to it, for all

pleadings, process, written opinions and findings, orders, and judgments filed in the action, and any other materials prescribed by court rule, statute, or court order to be filed with the clerk of the court.” The amendment preserves the public’s right of access to these records by ensuring inclusion of all potential public documents filed with the district court. Similarly, the circuit court must transmit the same documents to the district or municipal court upon any remand.

Courts need not transmit recordings of any proceedings. If an interested party requests a transcript of a proceeding after a case has been bound over or remanded, the court receiving such request shall forward that request to the appropriate court for transcription as provided in MCR 8.108.

- **MCR 8.119(H)(10):** For cases bound over to the circuit court on or after July 2, 2024, all case and court records maintained by a district or municipal court become nonpublic immediately after bindover to the circuit court. Similarly, for criminal cases remanded to the district or municipal court on or after July 2, 2024, all case and court records maintained by a circuit court become nonpublic immediately after an order to remand. As used in this subrule, “nonpublic” means that term as defined in MCR 1.109(H)(2).
- **MCR 6.001, 6.451, 8.119(H)(9):** After public comment, the Michigan Supreme Court retained MCR 6.001, and effective April 3, 2024, ordered further amendments of MCR 6.451 and MCR 8.119. MCR 6.451 currently establishes the process for reinstating convictions set aside by operation of law. The amendment clarifies the court must reinstate convictions only as provided in MCL 780.621h. The amendment to MCR 8.119 clarifies access to information related to set aside convictions in a case record or court record.

Enter 92.LESS Instead of 111.111 in the PACC Code Field

Fingerprints are not captured or submitted to the Michigan State Police (MSP) in most cases when individuals are arrested for offenses punishable by imprisonment for 92 days or less. See MCL 28.243. If fingerprints are captured and submitted on an ordinance violation without a state-corresponding criminal statute, courts currently enter “111.111” as a PACC code with a disposition code of “NCS – No State Code.” This alerts MSP to remove the arrest record from their database.

- **JIS Courts**
Beginning May 1, 2024, courts must begin entering “92.LESS” (rather than “111.111”) as the PACC code in these situations. In the JIS case management system, charges associated with a “111.111” code are currently sent to an exception report for courts to manually review and determine set aside eligibility. Replacing the “111.111” PACC code with “92.LESS” automatically accomplishes two objectives—first, it removes the arrest record from the MSP database and, secondly, it allows JIS to automatically set aside the offense in the case management system when eligible. This saves time for JIS courts by reducing the size of their exception reports and the need to manually review and update cases. While this code change only applies to future criminal offenses submitted to MSP, JIS courts may consider reviewing and updating this PACC code for closed cases. Updating the code to “92.LESS” on all closed cases will ensure they are automatically set aside when eligible rather than appearing on your exception report for a manual review.

- **Non-JIS Courts**

Trial courts that do not use the JIS CMS are also encouraged to use 92.LESS in place of 111.111. Once MSP confirms all trial courts are aware that 92.LESS is replacing the 111.111, MSP will retire 111.111 from future use.

New PACC Code Reporting

For trial courts that use the JIS CMS, the process for reporting a new PACC code in the future follows the same process trial courts implemented to conduct initial PACC code review in early 2023. The State Court Administrative Office (SCAO) continues to receive PACC code updates from the prosecutor’s office on a quarterly basis. The SCAO will use these to update the automatic set aside logic used for JIS courts. If a trial court adds or updates a local code or ordinance violation for their jurisdiction, please immediately notify JIS. Each court is responsible for mapping all local ordinance codes.

All local ordinance codes for misdemeanors, must be (1) mapped to a properly formatted PACC code or (2) identified as either a 92-day or less misdemeanor or a 93-day or more misdemeanor. Properly formatted PACC codes can contain digits, uppercase letters, periods, and dashes; they should not contain parenthesis, slashes (“/”), or lowercase letters. Examples are provided below:

Example PACC Codes	
Properly Formatted	Improperly Formatted
333.74042D	333.7404(2)(d)
333.73414-B	333/73414b

If your court identifies a new misdemeanor PACC code associated with a maximum penalty of 92 days or less, please send that code to JIS as soon as possible. JIS will add that code to the automatic set aside process.

For local ordinance codes that do not have a corresponding PACC code, courts must enter one of the following mapping codes instead of a PACC code to indicate the maximum penalty associated with the charge.

Mapping Codes
92.LESS
93.MORE

Instructions are attached for how to update your court’s offense reference data in the JIS system. Please notify jis@courts.mi.gov when your offense reference data has been updated. Questions can be directed to your regional administrator or the JIS Self-Service Portal at <https://servicedesk.courts.mi.gov>.

Trial courts that do not use the JIS CMS should reach out to their provider to discuss the process to report future PACC codes and local ordinance codes.

This document contains step-by-step instructions for updating the **offense table (Statute File)** in DCS or WebDCS to ensure proper mapping during the automatic set aside process. All offense codes that are misdemeanors must be mapped to a properly formatted PACC code. All local ordinances (that are of misdemeanor class) must be:

(1) mapped to a properly formatted PACC code

-or-

(2) identified as either a 92-day or less misdemeanor “92.LESS” or a 93-day or more misdemeanor “93.MORE”.

The code in the **PACC#** field, contained in each **Charge** code within the **Statute File** (Tables L and M), need to match **PACC Code** in column A on the attached spreadsheet. See example below:

A	B	C	D	E	F
PACC Code	MCL Code	Class	PACC Code Title	Max Sentence	Expired Date
10.33	10.33	M	EXECUTIVE ORDERS - VIOLATION	90 DAYS A/O \$500.00	
117.4Q20C	117.4q(20)(c)	M	BLIGHT VIOLATIONS - FAILURE TO PAY - THIR OR SUBSEQUENT OFFENSE	1 YEAR A/O \$500.00 FINE	
117.4Q20B	117.4q(20)(b)	M	BLIGHT VIOLATIONS - FAILURE TO PAY - SECOND OFFENSE	93 DAYS A/O \$500.00 FINE	
123.68	123.68	M	COUNTY PARKS AND AIRPORTS - RULES AND REGULATIONS VIOLATION	90 DAYS OR WORK IN A PARK	
125.1447.B	125.1447	F	HOUSING - MSHDA - FALSE PRETENSES OVER \$100	10 YEARS OR \$5,000.00	01/01/2002
125.1447.A	125.1447	M	HOUSING - MSHDA - FALSE PRETENSES - \$100.00 OR LESS	90 DAYS A/O \$100.00	01/01/2002
125.14471A	125.14471(a)	M	HOUSING - MSHDA - FALSE PRETENSES - LESS THAN \$200.00	93 DAYS A/O \$500 OR 3X +	
125.14471B1	125.14471(b)(1)	M	HOUSING - MSHDA - FALSE PRETENSES - \$200.00 OR MORE BUT LESS THAN \$1,000.00	1 YEAR A/O \$2000 OR 3X +	
125.14471B2	125.14471(b)(2)	M	HOUSING - MSHDA - FALSE PRETENSES - LESS THAN \$200.00 - SECOND OR SUBSEQUENT OFFENSE NOTICE	1 YEAR A/O \$2000 OR 3X +	
125.14471C1	125.14471(c)(1)	F	HOUSING - MSHDA - FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00	5 YRS A/O \$10,000 OR 3X +	

The **Statute File** within DCS/WebDCS may be printed (instructions provided below) if the court desires. It may be easier, however, to review the **Charge** codes on the *Statute File Inquiry & Update* screen and page through each **Charge** code, comparing the **PACC#** field on the screen for each **Charge** code to the **PACC Code** in column A on the spreadsheet. Below are the steps to access the *Statute File Inquiry & Update* screen within DCS/WebDCS, making updates to the Charge codes, and print the two different tables.

Accessing the Statute File Inquiry & Update – Tables L and M

1. Traffic Criminal Subsystem.
2. Select **3. Code Files Update** and press **Enter**.
3. Select **Statute File** and press **Enter**.
 - o *Statute File Inquiry & Update* screen displays.

Making Updates to the Charge Code PACC# Field

1. **Table M**
 - a. Table M **Charge** codes are based on PACC Codes for state misdemeanors (93 day or more) and felonies, excluding the decimal point.
 - b. As an example, on the *Statute File Inquiry & Update* screen, populate **Table** field with **M**, **Charge** field with **750812** (Domestic Violence) and

press ENTER. The **PACC#** field for **Charge** code **750812** is populated with the actual PACC code of **750.812**. See example below:

Statute File Inquiry & Update				3/24/23 07:53:43	
Table M	Charge 750812	Fel/Mis/Civ M	Case Types	SM	___
Ordin.	PACC# 750.812		SOS		___
Payable Misdemeanor	___ (Blank or X)	14-Day Notice	X	(Blank or X)	
Drug Reportable	___ (Blank or X)				
Drunk Driving Reportable	___ (V=Mtr Veh B=Minor BAC M=Marine S=Snowmobile O=ORV)				
Crime Victim Reportable	___ (X=Specified S=Serious A=Accident)				
Short Description	DOMESTIC VIO				
Long Description	DOMESTIC VIOLENCE				
Penal Fines	Code	Amount	Default	Combined Ordin. Fine & Costs Code	
Penal Costs	___	___	___	___	
Other Assessments	/	___	___	Penalty Amt Days	
		___	___	___	
		___	___	___	
		___	___	___	
				Effective Date:	Begin End
Initial Assessment	0.00				
Enter-Inquiry	F1-Clear Screen	F2-Add	F3-Update	F4-Prompt	
F23- Delete	F24-Previous Menu			Page/Roll	

- c. The **PACC#** field in this example is correctly populated for submitting disposition information to Michigan State Police Criminal History Records (CHR). However, if the PACC code in the **PACC#** field is not in this exact format of 750.812, the sentence/conviction information submitted to CHR would be rejected due to the incorrect PACC code. An incorrect PACC code also means any charges where **Charge** code **750812** was used would cause a conviction set aside charge to NOT be automatically updated in DCS.
- d. If the court determines the PACC code in the **PACC#** field needs to be changed, make the correction and press **F3-Update**.
- e. Please be aware there may be instances where the same **Charge** code is entered more than once due to it having different Begin/End dates and being reused. It is possible the **PACC#** field may need to be updated multiple times for the reused **Charge** code.
- f. We do not suggest taking the time and effort to add a new Charge code if you find that one of the PACC codes on the attached spreadsheet is not present in your Statute File as a **Charge** code. The focus should be on existing **Charge** codes and what is currently in the **PACC#** field.

2. Table L

- a. Table L **Charge** codes are where courts normally add civil infractions, local misdemeanor ordinances (92 day or less) and other non-PACC code charges. There may be misdemeanor **Charge** codes in Table L which have a local misdemeanor ordinance that is substantially corresponding to a state PACC code. If that is the case, then the **PACC#** field should be populated with the PACC code found in Column A of the attachment. This

is only a determination which the court can make and JIS cannot provide advice if a PACC code should be entered in the **PACC#** field or not for a local misdemeanor ordinance.

- o If a local ordinance does NOT correspond with a state PACC Code, the court must enter one of the following two “placeholder” codes in the **PACC#** field:
 - 92.LESS
 - 93.MORE
 - o **If local ordinances that should be categorized as 92 day or less offenses for the purpose of meeting automatic set-aside requirements are not mapped to the 92.LESS code, JIS systems will be unable to process those accurately and offenses that should be set aside by law will not be.**
- b. Below is an example where a Table L Charge code **658.08 (Domestic Violence/Domestic Assault)** was determined by the court to be substantially corresponding to PACC code 750.812 and has populated the **PACC#** field with **750.812**.

Statute File Inquiry & Update				3/24/23	10:11:30
Table L	Charge 658.08	Fel/Mis/Civ M	Case Types	QM	
Ordin.	658.08	PACC#	750.812	SOS	
Payable Misdemeanor	_ (Blank or X)		14-Day Notice	_ (Blank or X)	
Drug Reportable	_ (Blank or X)				
Drunk Driving Reportable	_ (V=Mtr Veh B=Minor BAC M=Marine S=Snowmobile 0=ORV)				
Crime Victim Reportable	_ S (X=Specified S=Serious A=Accident)				
Short Description	DOMESTIC VIO				
Long Description	DOMESTIC VIOLENCE/DOMESTIC ASSAULT				
Penal Fines	Code	Amount	Default	Combined Ordin. Fine & Costs Code	
Penal Costs	_____	_____	_____	_____	
	/	_____	_____	_____	
	/	_____	_____	_____	
Other Assessments	/	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
	\	_____	_____	_____	
Initial Assessment	0.00		Effective Date: _____		
			Last Chgd: 04/18/08 By: D9990LT		
Enter-Inquiry	F1-Clear Screen	F2-Add	F3-Update	F4-Prompt	
F23- Delete	F24-Previous Menu	Page/Roll			

Printing the Statute File - Table M and Table L

The court can print the Statute File Table M and Table L. The steps are provided below. **Please be aware these lists could be several hundred pages.**

1. Traffic Criminal Subsystem.
2. Select **4. Code Files Print** and press **Enter**.
3. Select **Statute File** with one of the following options and press **Enter**. The resulting lists will NOT generate to your personal out queue, but to the courts primary Traffic/Criminal System File out queue. This is the same out queue

where your T/C Date Generated Notices generate. The lists do not automatically print and would have to be released if you want to print them or changed to a different out queue to print.

L = Table L (Local Ordinance) only in **Charge** code order and **Y = Include expired records?**. File name = LCLTBL.

M = Table M (Statute Charges – misdemeanors and felonies) only in **Charge** code order and **Y = Included expired records?**. File name = STATBL.

X = All (both Table L and M) in **Charge** code order and **Y = Include expired records?**. Two separate lists will generate, File names LCLTBL and STATBL.

A = Both Table L and M sorted in Long Description alphabetical order and **Y = Include expired records?**. Two separate lists will generate, File names LCLTBL and STATBL.

Questions can be directed to the JIS Self-Service Portal at
<https://servicedesk.courts.mi.gov>.