

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO  
SENATE BILL 690**

1 On page 1 of the printed bill, line 2, after “Standing” insert a period and  
2 delete the rest of the line and line 3.

3 Delete lines 5 through 29 and delete pages 2 through 5 and insert:

4 **“SECTION 1. (1) As used in this section, unless the context requires  
5 otherwise:**

6 **“(a) ‘Petition’ means a petition for a Certificate of Good Standing.**

7 **“(b) ‘Petitioner’ means a person who files a petition.**

8 **“(c) ‘Supervisory authority’ means the state or local corrections  
9 agency supervising persons on probation, post-prison supervision or  
10 parole.**

11 **“(2)(a) A person who has been convicted of a felony or a Class A  
12 misdemeanor may petition the court for a Certificate of Good Standing  
13 as provided in this section.**

14 **“(b) If the person is under the supervision of a supervisory author-  
15 ity, prior to filing the petition the person shall request from the su-  
16 pervisory authority a written statement certifying that the person has  
17 successfully completed probation, post-prison supervision or parole  
18 and is eligible for a Certificate of Good Standing under this section.  
19 The request for certification shall be in writing on a form provided by  
20 the Department of Corrections.**

21 **“(3)(a) A person shall file a petition using a form provided by the**

1 **State Court Administrator, in the circuit court of the county in which**  
2 **the petitioner resides. In the application, the person shall certify that**  
3 **the person satisfies the requirements described in subsection (6) of this**  
4 **section and is eligible for the Certificate of Good Standing.**

5 **“(b) If the person is under the supervision of a supervisory author-**  
6 **ity, the person shall attach to the petition the certification from the**  
7 **supervisory authority described in subsection (2)(b) of this section.**

8 **“(c) In addition to the petition, the person may file with the court**  
9 **any other documents or written material supporting the issuance of**  
10 **a Certificate of Good Standing.**

11 **“(d) No filing fees or court fees may be required when filing a pe-**  
12 **tition under this section.**

13 **“(4)(a) At the time of filing, the petitioner shall serve a copy of the**  
14 **petition on the district attorney of the county in which the person**  
15 **resides.**

16 **“(b) Within 30 days of receiving a copy of the petition, the district**  
17 **attorney may:**

18 **“(A) File a written statement in the circuit court in support of the**  
19 **petition; or**

20 **“(B) File a written objection to the issuance of a Certificate of Good**  
21 **Standing only on the grounds that the petitioner does not satisfy the**  
22 **requirements described in subsection (6) of this section, and may sup-**  
23 **port the objection by submitting documents and other written mate-**  
24 **rials.**

25 **“(5) When determining whether to issue a Certificate of Good**  
26 **Standing to the petitioner, the court shall review only the documents**  
27 **or other material submitted by the petitioner in support of the petition**  
28 **and any documents or other material submitted by the district attor-**  
29 **ney.**

30 **“(6)(a) The court may issue a Certificate of Good Standing to the**

1 petitioner if the court determines, by a preponderance of the evidence,  
2 that:

3 “(A) The petitioner meets the criminal history eligibility require-  
4 ments described in subsection (2) of this section;

5 “(B) The petitioner has complied with all requirements of the  
6 petitioner’s sentence, including conditions of probation and any re-  
7 quired drug or alcohol treatment, batterers’ intervention, sex offender  
8 treatment, anger management or educational programs;

9 “(C) The petitioner has satisfied all court-ordered financial obli-  
10 gations or is current on a payment plan ordered by the court or a third  
11 party as authorized by the Judicial Department;

12 “(D) At least one year has elapsed since the petitioner has com-  
13 pleted all requirements of the petitioner’s sentence;

14 “(E) The petitioner is not in violation of the conditions of any  
15 criminal sentence;

16 “(F) There are no criminal charges pending against the petitioner;  
17 and

18 “(G) The petitioner is engaged in, or seeking to engage in, a lawful  
19 occupation or activity, including but not limited to employment,  
20 training, education or rehabilitative programs, or the person has a  
21 lawful source of support.

22 “(b) The court may make the determination described in paragraph  
23 (a) of this subsection without holding a hearing if the district attorney  
24 does not file an objection to the issuance of the Certificate of Good  
25 Standing.

26 “(7)(a) If the court issues the Certificate of Good Standing as de-  
27 scribed in this section, the clerk of the court shall immediately provide  
28 notice of the issuance of the certificate to the Department of State  
29 Police and other agencies as directed by the court.

30 “(b) Upon receiving notice of the issuance of the Certificate of Good

1 **Standing, the Department of State Police shall:**

2 **“(A) Enter the existence of the certificate into the Law Enforce-**  
3 **ment Data System maintained by the Department of State Police and**  
4 **the databases of the National Crime Information Center of the United**  
5 **States Department of Justice; and**

6 **“(B) Ensure that the results of any criminal records check per-**  
7 **formed by the Department of State Police concerning the person who**  
8 **is the subject of a Certificate of Good Standing include the existence**  
9 **of a valid certificate.**

10 **“(8)(a) If the court denies issuance of a Certificate of Good Stand-**  
11 **ing, the court shall state the reasons for the denial on the record and**  
12 **shall include the reasons in a written order denying the petition.**

13 **“(b) A petitioner may file a new application and petition no less**  
14 **than six months after the denial of a previous petition and shall, in**  
15 **the new petition, demonstrate that the petitioner has remedied or ad-**  
16 **dressed the reasons for the denial of the previous petition and has met**  
17 **any conditions set by the court.**

18 **“(9)(a) A court that issued a Certificate of Good Standing shall re-**  
19 **voke the certificate if the person who is the subject of the certificate**  
20 **is subsequently convicted of a felony or a Class A or Class B**  
21 **misdemeanor or is found to have made any material misrepresentation**  
22 **in the petition.**

23 **“(b) A district attorney in a proceeding in which a person with a**  
24 **Certificate of Good Standing is convicted of a felony or a Class A or**  
25 **Class B misdemeanor shall notify the court where the certificate was**  
26 **issued of the conviction.**

27 **“(c) The court may hold a hearing on the revocation, and the dis-**  
28 **trict attorney who received a copy of the original petition under sub-**  
29 **section (4) of this section may appear and be heard at the revocation**  
30 **hearing.**

1       “(d) The clerk of the court shall immediately provide notice of the  
2 revocation of the certificate, in the form of a court order, to the De-  
3 partment of State Police and other agencies as directed by the court.

4       “(e) Upon receiving notice of the revocation of the Certificate of  
5 Good Standing, the Department of State Police shall:

6       “(A) Enter the revocation of the certificate into the Law Enforce-  
7 ment Data System maintained by the Department of State Police and  
8 the databases of the National Crime Information Center of the United  
9 States Department of Justice; and

10       “(B) Ensure that the results of any criminal records check per-  
11 formed by the Department of State Police concerning the person who  
12 is the subject of the revoked Certificate of Good Standing accurately  
13 reflect the status of the certificate.

14       “(f) Any person who knowingly presents, or attempts to present, a  
15 revoked or otherwise invalid Certificate of Good Standing as a valid  
16 certificate commits a violation.

17       “(10) The clerk of the circuit court of each county shall make  
18 available the petition forms described in subsection (3)(a) of this sec-  
19 tion without charge.

20       “(11) A district attorney may not condition a plea offer on future  
21 eligibility or ineligibility for a Certificate of Good Standing.

22       “SECTION 2. In a claim for negligent hiring of an employee, there  
23 shall be a rebuttable presumption that the employer was not negligent  
24 if the employer had notice at the time of the hiring that the employee  
25 was the subject of a valid Certificate of Good Standing as described in  
26 section 1 of this 2017 Act.”.

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