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# City of Detroit

## CITY COUNCIL

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TO: Honorable Detroit City Council

FROM: David D. Whitaker   
Legislative Policy Division Staff

DATE: January 15, 2020

RE: **Resolution in support for Michigan House Bills 4488-4493**

On January 9, 2020, the Honorable Council Member James Tate requested that the Legislative Policy Division draft a resolution in support of Michigan House Bills 4488-4493.

If passed, House Bill 4488, would forbid a licensing board or agency from considering past civil judgments or lawsuits against an individual or using such as evidence of a “lack of good moral character;” and also could not consider a criminal conviction, in and of itself, as conclusive evidence of this, unless the individual was convicted of a felony that is explicitly listed in statute as a disqualifying offense for the particular license, or the offense was directly related to the licensed profession.

Attached, please find our draft of the resolution and contact us if we can be of any further assistance.

**BY COUNCIL MEMBER JAMES TATE**

**RESOLUTION IN SUPPORT OF MICHIGAN HOUSE BILLS 4488-4493 of 2019**

**WHEREAS**, The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through Charter-mandated legislative functions; and

**WHEREAS**, A criminal conviction can create lifetime barriers to housing, employment, education and many other rights, privileges or other opportunities citizens routinely enjoy. Returning citizens continue to languish long after the debt, that has been judicially determined must be paid to society has, in fact, been paid; and long after the debt to society has been paid; and

**WHEREAS**, For many years, there has been widespread criticism of the use of “good moral character” as a criteria for obtaining a state licensing standard. The term, “good moral character” is vague and places too much discretion in officials to exercise their individual whims and prejudices; and

**WHEREAS**, On April 23, 2019, a package of six bills, broadly sponsored by bi-partisan legislators was introduced. If passed would prohibit a state licensing board from automatically rejecting a former convicted felon from receiving a state license due to a “poor moral character”. The bills included in this legislative bundle are House Bills 4488, 4489, 4490, 4491, 4492 and 4493; and

**WHEREAS**, House Bill 4488 would amend the 1974 PA 381, which defines “good moral character” as it relates to qualifications for occupational and professional licenses in the statutes and administrative rules of this state *and* to establish criteria for when a licensing board may consider a criminal or civil conviction as evidence in determining an applicant’s good moral character; and

**WHEREAS**, Specifically, House Bill 4488 would require a state licensing board or agency to consider as evidence in the determination of an individual’s good moral character-the certificate of employability and any additional information about the individual’s current circumstances, such as how long ago the offense occurred, whether or not the individual’s current circumstances, such as how long ago the offense occurred, whether or not the sentence for the offense was completed, other evidence of rehabilitation, testimonials, employment history, and employment aspirations; and

**WHEREAS**, House Bill 4489 would amend the Revised Judicature Act of 1961, to provide that 1974 PA 381 would not apply to determining “good moral character” for admission to the State Bar of Michigan and that, for those purposes, good moral character would be determined by the Board of Law Examiners.

**WHEREAS**, House Bills 4490, 4491 and 4492 would affect careers in the following industries:

- House Bills 4490 would amend the Skilled Trades Regulation Act. (MCL 339.5105)
- House Bill 4491 would amend the Public Health Code. (MCL 333.16104 and 333.21755)
- House Bill 4492 would amend the Occupational Code. (MCL 339.104)

**WHEREAS**, House Bill 4493 would also amend the Occupational Code to require the Department of Licensing and Regulatory Affairs (LARA) provide an annual report to the legislature regarding the number of applications for occupational licenses denied due to failure to meet the “good moral character” standard; and

**WHEREAS**, The passage of the legislation would give a second chance for numerous Detroiters and Michiganders to attain financial stability and maintain social structure and peer networks gained from sustainable and meaningful employment; and

**WHEREAS**, House Bills 4489, 4490, 4491, and 4492 are tie-barred to HB 4488, meaning that they could not take effect unless House Bill 4488 were also enacted and would take effect 90 days after enactment; **NOW THEREFORE BE IT**

**RESOLVED**, That the Detroit City Council, affirms that it is unequivocally committed to the development and welfare of its residents. Therefore, City Council strongly supports the passage of House Bills 4488, 4489, 4490, 4491, 4492 and 4493; **BE IT FURTHER**

**RESOLVED**, The Detroit City Clerk is directed to send a copy of this resolution to Gov. Whitmer, Mayor Mike Duggan, and the Detroit delegation of the House and Senate and to the Committee on Regulatory Reform.