

Chapter XXII

VACATING COURT CONVICTIONS

2201. PURPOSE – It is the purpose of this Chapter to establish the terms and conditions under which related marijuana offense convictions can be vacated by the Bay Mills Tribal Court.
2202. CIRCUMSTANCES UNDER WHICH VACATING CONVICTIONS CAN BE SOUGHT – Any person may seek an order from the Tribal Court vacating any marijuana related offense that is now authorized by the Bay Mills Law and Order Code.
- A. As such any person convicted of a marijuana offense under Bay Mills Law and Order Code, Chapter VI Section 640 or Section 641, may submit a petition to the Bay Mills Tribal Court for a vacation of the applicant’s record of conviction for the offense.
 - B. The Bay Mills Tribal Court shall vacate the record of conviction by: (1) permitting the applicant to withdraw the applicant’s current plea of guilty and to enter a plea of not guilty; or (2) if the applicant has been convicted, the Court shall set aside the verdict of guilty; and (3) the Court shall dismiss the complaint, or citation against the applicant and vacate the judgement and sentence.
2203. COSTS INCURRED – All costs incurred by the Court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made by the Court that the person making the motion is indigent, at the time the motion is brought.
2204. DUTIES OF THE COURT – The Clerk of the Court shall immediately transmit the order vacating the conviction to the Bay Mills Law Enforcement or any local law enforcement agency, if any, which holds criminal history information for the person who is subject of the conviction.

The Bay Mills Law Enforcement or any such local law enforcement agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation.

A conviction that has been vacated under this section may not be disseminated or disclosed by the Bay Mills Law Enforcement or any such local law enforcement agency to any person, except other criminal justice enforcement agencies.