



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, December 15, 2020 8:30 AM Room 352, House Appropriations, State Capitol Building

The House Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent: None.

Excused: None.

Representative Howell moved to adopt the meeting minutes from December 2, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid SB 700, SB 893 and SB 894 before the committee:

SB 700 (Sen. Santana)

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 2d, 9a, 15, 18, 18g, 18h, and 18i (MCL 712A.1, 712A.2d, 712A.9a, 712A.15, 712A.18, 712A.18g, 712A.18h, and 712A.18i), section 1 of chapter XIIA as amended by 2019 PA 109, section 2d of chapter XIIA as amended by 1998 PA 478, sections 9a and 18h of chapter XIIA as added by 1996 PA 244, section 15 of chapter XIIA as amended by 2019 PA 111, sections 18 and 18i of chapter XIIA as amended by 2019 PA 102, and section 18g of chapter XIIA as added by 1996 PA 258.

SB 893 (Sen. Santana)

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7 (MCL 803.307), as amended by 1998 PA 517.

SB 894 (Sen. Santana)

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending section 5 (MCL 400.1305), as amended by 1998 PA 527.

Senator Santana and Nick Cook, testified in support of SB 700, SB 893 and SB 894. Questions and discussion followed.

The following people submitted a card in support of SB 700, SB 893 and SB 894, but did not wish to speak:

Gabrielle French, representing the Michigan Center for Youth Justice.

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

John Cooper, representing Safe and Just Michigan.

Lois Pullano, representing the Citizens for Prison Reform.

The following people submitted a card in support of SB 700, but did not wish to speak:

Chardae Burton, representing the Michigan Department of Health and Human Services.

At 9:06 AM, the Chair laid the committee at ease.

At 9:09 AM, the Chair called the committee back to order.

Representative Steven Johnson moved to report out SB 700 with recommendation. The motion prevailed 10-0-3:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Reps. LaFave, Berman, LaGrand.

Representative LaFave moved to report out SB 893 with recommendation. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Rep. LaGrand.

Representative Farrington moved to report out SB 894 with recommendation. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Rep. LaFave.

The Chair laid SB 1254 before the committee:

SB 1254 (Sen. McBroom)

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

The following people submitted a card in support of SB 1254, but did not wish to speak:

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

John Cooper, representing Safe and Just Michigan.

Lois Pullano, representing the Citizens for Prison Reform.

The following people submitted a card in opposition to SB 1254, but did not wish to speak:

Undersheriff Dan Pfannes, representing the Michigan Sheriffs' Association.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

At 9:12AM, the Chair laid the committee at ease.

At 9:14 AM, the Chair called the committee back to order.

Representative Filler offered the following amendment to SB 1254:

1. Amend page 2, line 27, after "**offense**" by inserting "**if the person applying to have the first violation operating while intoxicated offense conviction set aside has not previously applied to and had a first time operated while intoxicated offense conviction set aside under this act**".

Representative Filler moved to adopt the amendment to SB 1254. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Berman offered the following amendment to SB 1254:

1. Amend page 3, line 13, after "**(3)**," by inserting "**(6)**".

Representative Berman moved to adopt the amendment to SB 1254. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report Senate Bill No. 1254 as amended, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid SB 592 before the committee:

SB 592	(Sen. McBroom)	A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2020 PA 18.
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Representative LaFave moved to adopt substitute (H-1) to SB 592. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 592 with recommendation, as substitute (H-1). The motion prevailed 8-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: None.

Pass: Reps. LaGrand, Guerra, Elder, Yancey, Bolden.

The Chair laid SB 761 before the committee:

SB 761	(Sen. VanderWall)	A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7521a and 7523a (MCL 333.7521a and 333.7523a), section 7521a as added by 2019 PA 7 and section 7523a as added by 2019 PA 8.
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Representative LaFave moved to adopt substitute (H-1) to SB 761. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 761 with recommendation, as substitute (H-1). The motion prevailed 11-1-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Rep. Steven Johnson.

Pass: Rep. Berman.

The Chair laid SB 464, SB 465 and SB 862 before the committee:

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| SB 464 | (Sen. Lucido) | A bill to require financial institutions to report financial exploitation of their customers or members; to allow financial institutions to freeze customer or member transactions or assets under certain circumstances; to provide immunity from criminal, civil, or administrative liability to financial institutions for actions taken in good faith under this act; and to provide for the powers and duties of certain governmental officers and entities. |
| SB 465 | (Sen. Lucido) | A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2012 PA 175. |
| SB 862 | (Sen. Lucido) | A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11d (MCL 400.11d), as added by 1982 PA 519. |

The following people submitted a card in support of SB 464, SB 465 and SB 862, but did not wish to speak:

Haleigh Krombeen, representing the Michigan Credit Union League.

Justin Carpenter, representing the Senator Lucido, testified in support of SB 464, SB 465 and SB 862.

Kieran Marion, representing the Michigan Credit Union League, testified in support of SB 464, SB 465 and SB 862.

Patricia Herndon, representing the Michigan Bankers Association, testified in support of SB 464, SB 465 and SB 862.

At 9:41 AM, the Chair laid the committee at ease.

At 9:43 AM, the Chair called the committee back to order.

Representative Yancey moved to report out SB 464 with recommendation. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Rep. Steven Johnson.

Pass: None.

Representative Farrington moved to report out SB 465 with recommendation. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Rep. Steven Johnson.

Pass: None.

Representative LaFave moved to report out SB 862 with recommendation. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Rep. Steven Johnson.

Pass: None.

The Chair laid SB 844 before the committee:

SB 844	(Sen. MacDonald)	A bill to amend 2019 PA 39, entitled "Administration of opioid antagonists act," by amending section 107 (MCL 15.677).
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Eric Stocker, representing Senator MacDonald, testified in support of SB 844.

At 9:46 AM, the Chair laid the committee at ease.

At 9:50 AM, the Chair called the committee back to order.

The following people submitted a card with a neutral position on SB 844, but did not wish to speak:

Bill Flory, representing the Michigan Association for Justice.

Representative Berman moved to report out SB 844 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid SB 1244 before the committee:

SB 1244 (Sen. Barrett)

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 8 (MCL 691.1408), as amended by 2002 PA 400.

Tim Langholz, representing Senator Barrett, testified in support of SB 1244. Questions and discussion followed.

At 10:07 AM, the Chair laid the committee at ease.

At 10:08 AM, the Chair called the committee back to order.

Representative LaFave moved to report out SB 1244 with recommendation. The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand.

Nays: Reps. Guerra, Bolden.

Pass: Reps. Elder, Yancey.

The Chair laid SB 195 before the committee:

SB 195 (Sen. Chang)

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 14a.

At 10:09 AM, the Chair laid the committee at ease.

At 10:11 AM, the Chair called the committee back to order.

Representative Howell moved to report out SB 195 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid SB 681 and SB 682 before the committee:

SB 681 (Sen. Irwin) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18e of chapter XIIA (MCL 712A.18e), as amended by 2018 PA 142, and by adding section 18t to chapter XIIA.

SB 682 (Sen. Lucido) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 28 of chapter XIIA (MCL 712A.28), as amended by 1998 PA 478.

At 10:14 AM, the Chair called the committee back to order.

At 10:13 AM, the Chair laid the committee at ease.

The following people submitted a card in support of SB 681 and SB 682, but did not wish to speak:

Sharon Denniston, PhD, representing the Illumi Research, Analysis, and Consulting.

Wayne County Executive Warren Evans, representing the Wayne County.

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

John Cooper, representing the Safe and Just Michigan.

Lois Pullano, representing the Citizens for Prison Reform.

Representative LaFave moved to adopt substitute (H-1) to SB 681. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 681 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-1) to SB 682. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 682 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

There being no further business before the committee, Chair Filler adjourned the meeting at 10:17 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
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