



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, April 16, 2019

9:00 AM

Room 519, House Office Building

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

The Chair requested attendance be called:

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

Absent/Excused: None.

Representative LaFave moved to adopt the meeting minutes from April 9, 2019. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4133, HB 4134, HB 4135, HB 4136, HB 4137, HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4443 and HB 4452 before the committee:

HB 4133

(Rep. Hauck) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 3, and 11 of chapter XIIA (MCL 712A.1, 712A.3, and 712A.11), section 1 as amended by 2016 PA 496, section 3 as amended by 1996 PA 409, and section 11 as amended by 2016 PA 185.

HB 4134

(Rep. Wozniak) A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1060a (MCL 330.2060a), as added by 2012 PA 540.

- HB 4135 (Rep. Calley) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2015 PA 31.
- HB 4136 (Rep. Berman) A bill to amend 1988 PA 13, entitled "Juvenile diversion act," by amending sections 2 and 8 (MCL 722.822 and 722.828), section 2 as amended by 1996 PA 415.
- HB 4137 (Rep. Webber) A bill to amend 2013 PA 93, entitled "Michigan indigent defense commission act," by amending section 3 (MCL 780.983), as amended by 2018 PA 214.
- HB 4138 (Rep. Rendon) A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 2 (MCL 803.302), as amended by 1998 PA 517.
- HB 4139 (Rep. LaGrand) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV (MCL 764.15b), as amended by 2001 PA 209.
- HB 4140 (Rep. Guerra) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 14, 15, 16, 18, and 18i of chapter XIIA (MCL 712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as amended by 2012 PA 163, section 15 as amended by 1998 PA 474, section 16 as amended by 1998 PA 478, section 18 as amended by 2018 PA 58, and section 18i as added by 1996 PA 244.
- HB 4141 (Rep. Neeley) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2 and 2d of chapter XIIA (MCL 712A.2 and 712A.2d), section 2 as amended by 2018 PA 58 and section 2d as amended by 1998 PA 478.
- HB 4142 (Rep. Elder) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IV (MCL 764.27), as amended by 1996 PA 418.
- HB 4143 (Rep. Love) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 139 (MCL 750.139), as amended by 1998 PA 510.

- HB 4144 (Rep. Brann) A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117a (MCL 400.117a), as amended by 2018 PA 244.
- HB 4145 (Rep. Filler) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27a of chapter IV (MCL 764.27a), as amended by 1996 PA 254.
- HB 4146 (Rep. Whiteford) A bill to amend 1939 PA 280, entitled "The social welfare act,"(MCL 400.1 to 400.119b) by adding section 117i.
- HB 4443 (Rep. Hoitenga) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IV (MCL 764.1f), as amended by 1998 PA 520.
- HB 4452 (Rep. Garrett) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961,"by amending section 606 (MCL 600.606), as amended by 1996 PA 260.

Meghann Keit, representing the Michigan Association of Counties, testified with no position on HB 4133, HB 4134, HB 4135, HB 4136, HB 4137, HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4443 and HB 4452.

The following people submitted a card in support of HB 4133, HB 4134, HB 4135, HB 4136, HB 4137, HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145 and HB 4146, but did not wish to speak:

Alicia Guerara Warren, representing the Michigan League for Public Policy.

The following people submitted a card in support of HB 4443, but did not wish to speak:

Sergeant Chris Gerard, representing The Michigan State Police.

The following people submitted a card in support of HB 4133, HB 4134, HB 4135, HB 4136, HB 4137, HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4146, HB 4443 and HB 4452, but did not wish to speak:

Judy Karandjeff, representing the League of Women Voters.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

Mark McWilliams, representing the Michigan Protection and Advocacy Services.

Representative S. Johnson offered the following amendment to HB 4133:

1. Amend page 8, line 17, after "effect" by striking out "January" and inserting "October".

Representative Howell moved to adopt the amendment to HB 4133. The motion prevailed 13-0-

0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Farrington moved to report House Bill No. 4133 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4134:

1. Amend page 2, line 9, after "effect" by striking out "January" and inserting "October"

Representative Wozniak moved to adopt the amendment to HB 4134. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Rendon moved to report House Bill No. 4134 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4135:

1. Amend page 4, line 11, after "1," by striking out "2019." and inserting "2021."

Representative Rendon moved to adopt the amendment to HB 4135. The motion prevailed 13-0-

0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Howell moved to report House Bill No. 4135 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4136:

1. Amend page 3, line 10, after "effect" by striking out "January" and inserting "October".

Representative Berman moved to adopt the amendment to HB 4136. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Farrington moved to report House Bill No. 4136 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4137:

1. Amend page 4, line 4, after "effect" by striking out the balance of the enacting section and inserting "October 1, 2021".

Representative S. Johnson moved to adopt the amendment to HB 4137. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Wozniak moved to report House Bill No. 4137 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4138:

1. Amend page 2, line 17, after "effect" by striking out "January" and inserting "October".

Representative Rendon moved to adopt the amendment to HB 4138. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson moved to report House Bill No. 4138 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4139:

1. Amend page 7, line 2, after "effect" by striking out "January" and inserting "October".

Representative Elder moved to adopt the amendment to HB 4139. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Rendon moved to report House Bill No. 4139 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Guerra moved to adopt substitute (H-1) to HB 4140. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Rendon moved to report out House Bill No. 4140, with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Howell moved to adopt substitute (H-1) to HB 4141. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative LaFave moved to report out House Bill No. 4141, with recommendation, as

substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4142:

1. Amend page 3, line 7, after "effect" by striking out "January" and inserting "October".

Representative S. Johnson moved to adopt the amendment to HB 4142. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Farrington moved to report House Bill No. 4142 as amended, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson moved to adopt substitute (H-1) to HB 4143. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative LaFave moved to report out House Bill No. 4143 with recommendation, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 4144. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: Rep. Berman.
Pass: None.

Representative S. Johnson moved to report out House Bill No. 4144 with recommendation as substitute (H-1). The motion prevailed, the vote being 12-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: Rep. Berman.
Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 4145. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Rendon moved to report out House Bill No. 4145, with recommendation, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative S. Johnson moved to adopt substitute (H-1) to HB 4146. The motion prevailed 10-1-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Wozniak, LaGrand, Elder, Bolden.

Nays: Rep. Berman.

Pass: Reps. Guerra, Yancey.

Representative Howell moved to report out House Bill No. 4146, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-1-2.

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Wozniak, LaGrand, Elder, Bolden.

Nays: Rep. Berman.

Pass: Reps. Guerra, Yancey.

Representative S. Johnson offered the following amendment to HB 4443:

1. Amend page 3, line 15, after "effect" by striking out "January" and inserting "October".

Representative Rendon moved to adopt the amendment to HB 4443. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson moved to report House Bill No. 4443 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative S. Johnson offered the following amendment to HB 4452:

1. Amend page 3, line 17, after "effect" by striking out "January" and inserting "October".

Representative LaFave moved to adopt the amendment to HB 4452. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative LaFave moved to report House Bill No. 4452 as amended, as substitute (H-1). The motion prevailed, the vote being 13-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

The Chair laid HB 4164 before the committee:

HB 4164 (Rep. Albert) A bill to amend 1915 PA 31, entitled "Youth tobacco act, "by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), as amended by 2006 PA 236, and by adding sections 2b and 2c.

Representative Albert testified in support of HB 4164. Questions and discussion followed.

DJ Hilson, Muskegon County Prosecutor, representing the Prosecuting Attorneys Association of Michigan, testified in support of HB 4164. Questions and discussion followed.

Molly Cotant, representing the Michigan Department of Health and Human Services, testified in opposition to HB 4164. Questions and discussion followed.

The following people submitted a card in support of HB 4164 but did not wish to speak:

Amy Drumm, representing the Michigan Retailers Association.

Ashlie Kuehn, representing JUUL.

The following people submitted a card in opposition to HB 4164 but did not wish to speak:

Rachel Richards, representing the Michigan League for Public Policy.

Alice Betz, representing the American College of Cardiology.

Dave Hodgkins, representing the American Heart Association.

Matt Block, representing the Michigan Academy of Family Physicians.

Andrew Schepers, representing the American Cancer Society Cancer Action Network.

Amy Zaagman, representing the Michigan Council for Maternal and Child Health.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting at 10:11 AM.

Representative Graham Filler, Chair

Melissa Weipert
Committee Clerk
mweipert@house.mi.gov