



MICHIGAN  
HOUSE OF REPRESENTATIVES  
P.O. Box 30014  
LANSING, MICHIGAN 48909-7514

## HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, January 30, 2018                      12:00 p.m.                      Room 326 House Office Building

Representative Runestad, Chair, called the meeting to order.

Chair Runestad requested attendance be called to establish a quorum of the appointed committee members:

Present: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Absent: None.

Excused: None.

Representative Theis moved to approve the minutes of the December 5<sup>th</sup> 2017 meeting. The motion prevailed by unanimous consent.

The Chair laid HB 4298, HB 4299, and HB 4300 before the committee:

- |         |              |  |
|---------|--------------|--|
| HB 4298 | (Kosowski)   | Children; protection; electronic video recording of child interrogations in child protection cases; require.   |
| HB 4299 | (Runestad)   | Criminal procedure; evidence; consideration of videorecorded statements in certain proceedings; allow.   |
| HB 4300 | (Hornberger) | Children; protection; videorecorded statements; allow to be used in child protective services hearings, increase fines for improper release of, and require to be retained for certain period of time. |

Bill Vaillencourt, representing the Prosecuting Attorneys Association of Michigan, testified with a neutral position on the bills. Questions and discussion followed.

Colin Parks, representing the Michigan Department of Health and Human Services, testified with a neutral position on the bills.

Marseille Allen, representing UAW Local 6000, and Noah Smith, representing the Criminal Defense Attorneys of Michigan, submitted testimony cards with neutral positions on the bills, but did not wish to speak.

John Tuinstra, representing citizens for Parental Rights, submitted a testimony card in support of the bills, but did not wish to speak.

Krista Vincent, representing the Office of Representative Runestad, and Bill Vaillencourt, representing the Prosecuting Attorneys Association of Michigan, testified on the bills. Questions and discussion followed.

Representative Theis moved to adopt substitute (H-4) for HB 4298. The motion prevailed by a vote of 9-1-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Chair Runestad offered the following amendment to HB 4298, as substitute (H-4):

1. Amend page 2, line 24, after "effect" by striking out "90" and inserting "180".

Representative Theis moved to adopt the amendment for HB 4298, as substitute (H-4). The motion prevailed by a vote of 9-1-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Representative Theis moved to adopt substitute (H-5) for HB 4299. The motion prevailed by a vote of 8-1-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Chair Runestad offered the following amendment for HB 4299, as substitute (H-5):

1. Amend page 10, following line 24, by inserting:  
**"(23) THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS NOT RESPONSIBLE FOR STORING OR RETAINING A VIDEORECORDED STATEMENT UNDER THIS SECTION."** and renumbering the remaining subsection.

Representative Theis moved to adopt the amendment for HB 4299, as substitute (H-5). The motion prevailed by a vote of 8-2-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Guerra, and Sowerby.

Nays: Reps. Greimel and Robinson.  
Pass: None.

Representative Theis moved to adopt substitute (H-5) for HB 4300. The motion prevailed by a vote of 9-1-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Chair Runestad offered the following amendment for HB 4300, as substitute (H-5):

1. Amend page 8, following line 26, by inserting:  
**"(21) THE DEPARTMENT IS NOT RESPONSIBLE FOR STORING OR RETAINING A VIDEORECORDED STATEMENT UNDER THIS SECTION."** and renumbering the remaining subsection.

Representative Theis moved to adopt the amendment for HB 4300, as substitute (H-5).

Representative Theis moved to clear the vote for the amendment for HB 4300, as substitute (H-5). The motion prevailed by unanimous consent.

Representative Theis moved to withdraw the motion to adopt the amendment for HB 4300, as substitute (H-5). The motion prevailed by unanimous consent.

Representative Theis moved to reconsider the vote by which the substitute (H-5) for HB 4300 was adopted. The motion prevailed by a vote of 9-1-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

The motion to adopt substitute (H-5) for HB 4300 then prevailed by a vote of 7-2-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Guerra, and Sowerby.

Nays: Reps. Greimel and Robinson.

Pass: Rep. Howrylak.

Representative Greimel moved to reconsider the vote by which the substitute (H-5) for HB 4300 was adopted. The motion prevailed by a vote of 9-1-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

The motion to adopt substitute (H-5) for HB 4300 then prevailed by a vote of 8-1-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Theis moved to adopt the amendment for HB 4300, as substitute (H-5). The motion prevailed by a vote of 8-2-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Guerra, and Sowerby.

Nays: Reps. Greimel and Robinson.

Pass: None.

Representative Theis moved to report HB 4298, with recommendation, as amended, as substitute (H-5). The motion prevailed by a vote of 8-1-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Theis moved to report HB 4299, with recommendation, as amended, as substitute (H-6). The motion prevailed by a vote of 8-1-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Theis moved to report HB 4300, with recommendation, as amended, as substitute (H-6). The motion prevailed by a vote of 8-1-1.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

The Chair laid SB 419, SB 420, and SB 421 before the committee:

- SB 419 (Emmons) Juveniles; other; considerations for returning child to custody of parent; modify.
- SB 420 (Pavlov) Children; protection; considerations for returning child to custody of parent; modify.
- SB 421 (Jones) Children; child abuse or child neglect; considerations for returning child to custody of parent; modify.

Senator Emmons testified on the bills. Questions and discussion followed.

Karla Ruest, representing the Michigan Department of Health and Human Services, and John Tuinstra, representing Citizens For Parental Rights, submitted testimony cards in support of the bill, but did not wish to speak.

The Chair laid SB 100 and SB 101 before the committee:

- SB 100 (Casperson) Civil procedure; costs and fees; recovery of costs and fees in an action involving this state; remove certain restrictions.
- SB 101 (Robertson) Administrative procedure; contested cases; award of costs and fees to prevailing party in a case involving this state; remove certain restrictions; exempt parole hearings from administrative procedures act, and make general revisions to contested case provisions.

Senator Casperson testified on the bills. Questions and discussion followed.

Charles Owens, representing the National Federation of Independent Business, and Meghann Keit, representing the Michigan Association of Counties, submitted testimony cards in support of the bills, but did not wish to speak.

Ken Osborne and Sal Gaglio, representing the Michigan Department of Treasury, submitted a testimony card in opposition to SB 100, but due to time, were unable to speak.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 1:03 p.m.

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Representative Runestad, Chair

Matthew Carnegie  
Committee Clerk  
January 30<sup>th</sup>, 2018

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Date Approved and Signed