



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

## HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, June 20<sup>th</sup>, 2017                      8:15 a.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 Cole moved to approve the minutes of the June 6<sup>th</sup>, 2017 meeting. The motion prevailed by unanimous consent.

The Chair laid SB 383 before the committee:

SB 383      (Jones)                      Law enforcement; records; procedure for fingerprinting and photographing of child or youth with special health care needs taken and submitted to the automated fingerprint identification system (AFIS) and the statewide network of agency photos upon request of parent or guardian; modify.

Sgt. Tim Fitzgerald, representing the Michigan State Police, submitted a card in support of the bill, but did not wish to speak.

Jess Averill-Hammond, representing Senator Jones's Office, testified in support of the bill.

Representative Cole moved to report SB 383, with recommendation. The motion prevailed by a vote of 9-0-0.

### **FAVORABLE ROLL CALL:**

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

Nays: None.

Pass: None.

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.

The Chair explained the proposed substitutes to the bills.

The Chair laid the committee at ease, the time being 8:31 a.m.

The Chair called the committee back to order, the time being 8:32 a.m.

John Tuinstra, representing Citizens for Parental Rights, testified in support of the bills.

Kimberly Buddin, representing the American Civil Liberties Union of Michigan, submitted a card in support of the bills, but did not wish to speak.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence, submitted a card in opposition to the bills, but did not wish to speak

The following people submitted a card in opposition to HB 4298, but did not wish to speak:

Merkeb Yohannes.

Scott Zochowski.

Amanda Barratt.

Elinor Jordan, submitted a card in opposition to HB 4298, but due to time constraints was unable to speak.

The Chair laid HB 4691 before the committee:

HB 4691 (Runestad) Family law; child custody; joint custody in every custody dispute between parents; mandate except in certain circumstances.

David Helm, representing Helm Law, explained the proposed substitute to HB 4691. Questions and discussion followed.

The Chair returned to HB 4298, HB 4299, and HB 4300.

Representative LaFave moved to adopt substitute (H-1) for HB 4298. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

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

Nays: None.

Pass: None.

Representative Cole moved to report HB 4298, with recommendation, as substitute (H-1). The

motion prevailed by a vote of 9-0-1.

**FAVORABLE ROLL CALL:**

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

Nays: None.

Pass: Rep. Howrylak.

Representative Theis moved to adopt substitute (H-1) for HB 4299. The motion prevailed by a vote of 8-2-0.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson and Guerra.

Pass: None.

Representative Cole moved to report HB 4299, with recommendation, as substitute (H-1). The motion prevailed by a vote of 7-2-1.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson and Guerra.

Pass: Rep. Howrylak.

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

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson and Guerra.

Pass: Rep. Howrylak.

Representative Hornberger moved to report HB 4300, with recommendation, as substitute (H-1). The motion prevailed by a vote of 7-2-1.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson and Guerra.

Pass: Rep. Howrylak.

The Chair return to HB 4691.

The following people wanted to speak in opposition to the bill, but due to time constraints, were unable too:

Elinor Jordan.

Jessie McKenna-Snyder, representing Promote Judicial Awakening and The Stop Abuse Campaign.

Paula Fitzsimons, representing Domestic Violence Victims.

Nathan Grajek.

Honorable Richard Halloran, representing the Family Law Section of the State Bar of Michigan.

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

Tom Hickson, representing the Michigan Catholic Conference.

Dan Jarvis, representing the Michigan Family Forum.

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

Genevieve Marnon, representing herself.

Amanda Barratt.

Merkeb Yohannes.

Cami Pendell, representing the Michigan Judges Association – Family Law Committee.

Kevin McKinney, representing the Friend of the Court Association.

Stephanie Johnson, representing the Michigan Probate Judges Association.

Gail Krieger, representing the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

Rebecca Shiemke, representing the Michigan Poverty Law Program.

Barbara Neis-May.

Mary Pollock, representing the American Association of University Women.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence.

Jessica Edel Harrelson, representing the S.A.F.E. Place Shelter.

Alissa Ovsley.

Scott Zochowski.

The Chair laid the committee at ease, the time being 8:51 a.m.

The Chair brought the committee back to order, the time being 8:52 a.m.

Representative Theis moved to adopt substitute (H-1) for HB 4691. The motion prevailed by a vote of 7-3-0.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson, Guerra, and Sowerby.

Pass: None.

The Chair laid the committee at ease, the time being 8:52 a.m.

The Chair called the committee back to order, the time being 8:54 a.m.

Rep. Howrylak offered the following amendments to HB 4691 (H-1):

1. Amend page 6, line 27, by striking out all of subdivision **(K)** and inserting:  
“(k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.”

2. Amend page 12, line 5, by striking out all of subdivision (a) and inserting:  
“(A) **DOMESTIC VIOLENCE, REGARDLESS OF WHETHER THE VIOLENCE WAS DIRECTED AGAINST OR WITNESSED BY THE CHILD. A COURT MAY NOT**

**CONSIDER NEGATIVELY ANY REASONABLE ACTION TAKEN BY A PARENT TO PROTECT A CHILD OR THAT PARENT TO PROTECT A CHILD OR THAT PARENT FROM SEXUAL ASSAULT OR DOMESTIC VIOLENCE BY THE CHILD’S OTHER PARENT.”.**

3. Amend page 28, line 21, after “(e)” by striking out the balance of the subdivision and inserting “Domestic Violence, Regardless of whether the violence was directed against or witnessed by the child.”.

Representative Howrylak moved to adopt his amendment to HB 4691 (H-1). The motion prevailed by a vote of 8-2-0.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson and Sowerby.

Pass: None.

Representative LaFave moved to report HB 4691, with recommendation, as amended, as substitute (H-2). The motion prevailed by a vote of 6-3-1.

**FAVORABLE ROLL CALL:**

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

Nays: Reps. Robinson, Guerra, and Sowerby.

Pass: Rep. Greimel.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 8:57 a.m.

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Representative Runestad, Chair

Angie Lake  
Acting-Committee Clerk  
June 20<sup>th</sup>, 2017

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Date Approved and Signed