



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

HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, September 19th, 2017 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, Robinson, Guerra, and Sowerby.

Absent: Rep. Greimel.

Excused: Rep. Greimel.

Representative Theis moved to approve the minutes of the September 12th, 2017 meeting. The motion prevailed by unanimous consent.

Representative Theis moved to excuse Representative Greimel. The motion prevailed by unanimous consent.

The Chair laid HB 4821 and HB 4822 before the committee:

HB 4821 (Runestad) Probate; wills and estates; appointment of the state or county public administrator as personal representative of a decedent's estate in a formal proceeding; require, and modify powers and duties of public administrators acting as personal representatives.

HB 4822 (Ellison) Probate; wills and estates; appointment of the state or county public administrator as personal representative of a decedent's estate in a formal proceeding; require, and modify powers and duties of public administrators acting as personal representatives.

Vice-Chair Theis assumed the gavel, the time being 12:05 p.m.

Chair Runestad and Representative Ellison introduced the bills.

Chair Runestad assumed the gavel, the time being 12:07 p.m.

Andrew Meisner, Treasurer of Oakland County, Lisa Brown, Clerk of Oakland County, and Judy D'Angelo testified in support of the bills. Questions and discussion followed.

Michael Moody, the State Public Administrator, and Alan Cropsey, representing Attorney General Bill Schuette's office, testified in support of the bills. Questions and discussion

followed.

Karen Woodside, representing herself, and Carol Kramer, representing Hainline Kramer Law PLLC., submitted testimony cards wishing to speak, with a neutral position on the bills, but due to time were unable to testify.

The Chair laid HB 4500 before the committee:

HB 4500 (Hornberger) Criminal procedure; sentencing guidelines; scoring of offense 9; clarify that an embryo or fetus must be scored as a victim.

Amanda West, representing Planned Parenthood Advocates of Michigan, submitted a testimony card in opposition to the bill, but did not wish to speak.

Lisa Brown, Clerk of Oakland County, submitted a testimony card in opposition to the bill, and wished to speak, but due to time was unable to testify.

Representative Guerra offered the following amendment for HB 4500:

1. Amend page 2, line 14, after "**FETUS**" by striking out "**MUST**" and inserting "**MAY**".

Representative Guerra explained the amendment.

Representative Guerra moved to adopt the amendment for HB 4500. The motion did not prevail by a vote of 2-7-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Guerra and Sowerby.

Nays: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Hornberger moved to report HB 4500, with recommendation. The motion prevailed by a vote of 6-3-0.

FAVORABLE ROLL CALL:

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

Nays: Reps. Robinson, Guerra, and Sowerby.

Pass: None.

The Chair laid HB 4458 before the committee:

HB 4458 (Hernandez) Weapons; licensing; penalty for failure to comply with certain licensing requirements; modify.

Representative Guerra offered the following amendment for HB 4458:

1. Amend page 2, line 13, after "**THAN**" by striking out "**6**" and inserting "**2**".

Representative Guerra explained the amendment.

Representative Guerra moved to adopt the amendment. The motion did not prevail by a vote of 2-7-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Guerra and Sowerby.

Nays: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Sowerby offered the following amendments for HB 4458:

1. Amend page 2, line 9, after "**(4)**" by striking out the balance of the line through "**\$330.00**" on line 10 and inserting "**A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,250.00, OR BOTH,**".

2. Amend page 2, line 17, by striking out all of subsection **(5)**.

Representative Sowerby explained the amendments.

Representative Sowerby moved to adopt the amendments for HB 4458. The motion did not prevail by a vote of 2-7-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Guerra and Sowerby.

Nays: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Cole moved to report HB 4458, with recommendation. The motion prevailed by a vote of 7-2-0.

FAVORABLE ROLL CALL:

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

Nays: Reps. Guerra and Sowerby.

Pass: None.

The Chair laid SB 80 before the committee:

SB 80 (Schmidt) Traffic control; accidents; samples used for chemical analysis; expand to include urine, and expand implied consent under certain circumstances.

Senator Schmidt, Shannon Kochis, John Collins, and Mary Jo Pomeroy testified in support of the bill. Questions and discussion followed.

Judge Brad Knoll, representing the Michigan District Judges Association, and Dan Helmer, representing the Kent County Prosecutor's Office, submitted testimony cards in support of the bill, and wishing to speak, but due to time were unable to testify.

Ben Bodkin, representing the Michigan Sheriff's Association, and John Shea, representing the Criminal Defense Attorneys of Michigan, and submitted testimony cards in support of the bill, but did not wish to speak.

Kim Buddin, representing the American Civil Liberties Union of Michigan, submitted a testimony card in opposition to the bill, but did not wish to speak.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 1:00 p.m.

Representative Runestad, Chair

Date Approved and Signed

Matthew Carnagie
Committee Clerk
September 19th, 2017