



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

HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, November 27th, 2018 11:00 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 Theis moved to approve the minutes of the October 2nd, 2018 meeting. The motion prevailed by unanimous consent.

The Chair laid HB 6344 before the committee:

HB 6344 (Singh) Courts; reorganization; district courts in East Lansing, Lansing, and Ingham County; consolidate to 1 countywide district court.

Representative Singh, Tom Boyd, Chief Judge of the 55th District Court, Andy Schor, Mayor of Lansing, and Mark Meadows, Mayor of East Lansing, testified in support of the bill. Questions and discussion followed.

Tom Clement, representing the State Court Administrative Office, submitted a testimony card with a neutral position on the bill, but did not wish to speak.

The Chair laid HB 6026 before the committee:

HB 6026 (Barrett) Law enforcement; other; forensic science commission; create and regulate forensic laboratories and certain providers.

Representative Barrett and John Collins, the former director of the Michigan State Police laboratory, testified in support of the bill. Questions and discussion followed.

The Chair laid HB 5702 and HB 5703 before the committee:

HB 5702 (Runestad) Criminal procedure; forfeiture; prosecutorial review of civil asset forfeiture in controlled substances cases; require.

HB 5703 (Glenn) Law enforcement; training; training for law enforcement officers on civil asset forfeiture process; require.

Chair Runestad explained the proposed (H-2) substitute for HB 5703.

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

Emily Corwin, representing the Wayne County Prosecutors Office.
Megan Noland, representing the Oakland County Sheriff's Office.
Blaine Koops, representing the Michigan Sheriff's Association.
First Lieutenant Tim Fitzgerald, representing the Michigan State Police.

Representative Theis moved to report HB 5702, with recommendation. 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 adopt substitute (H-2) for HB 5703. 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 report HB 5703, with recommendation, as substitute (H-2). 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 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.

Marty Fittante, representing the Office of Senator Casperson, testified in support of the bills. Questions and discussion followed.

Ken Osborne, representing the Michigan Department of Treasury, submitted a testimony card with a neutral position on the bill, but did not wish to speak.

Charlie Owens, representing the National Federation of Independent Businesses, submitted a testimony card in support of the bill, but did not wish to speak.

Representative LaFave moved to adopt substitute (H-1) for SB 100. 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 LaFave moved to report SB 100, 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 LaFave moved to report SB 101 with recommendation. 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.

The committee returned to consideration of HB 6026.

Darrall Siggers, and LeDura Watkins, representing themselves, and Megan Richardson, and Mark Michell-Cichon, representing the Innocence Project, testified in support of the bill. Questions and discussion followed.

The Chair laid HB 4842 before the committee:

HB 4842 (Tedder) Weapons; concealed; pistol-free zones; exempt firefighters and medical first responders.

Everytown for Gun Safety, submitted a card in opposition to the bill, but did not wish to speak.

Representative Theis moved to adopt substitute (H-1) for HB 4842.

The Chair laid the committee at ease, the time being 12:32 p.m.

The Chair called the committee to order, the time being 12:33 p.m.

Representative Theis moved to clear the vote. There being no objection, the motion prevailed by unanimous consent.

Representative Theis moved to postpone the motion to adopt substitute (H-1) for HB 4842 temporarily. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5372 before the committee:

HB 5372	(Bellino)	Crimes; intoxication or impairment; alcohol dependent medication-assisted treatment program; require certain individuals to participate as part of his or her sentence.
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A substitute (H-2) was adopted for HB 5372 on October 2nd, 2018.

Tom Clement, representing the State Court Administrative Office, submitted a testimony card with a neutral position on the bill, but did not wish to speak.

Representative Theis moved to report HB 5372, with recommendation, as substitute (H-2). 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 Chair laid HB 5806, HB 5807, and HB 5808 before the committee:

HB 5806	(Calley)	Courts; other; juvenile mental health courts; establish.
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HB 5807	(Calley)	Courts; other; references to juveniles in mental health court in revised judicature act; remove to reflect creation of juvenile mental health court.
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HB 5808	(Calley)	Courts; other; reference to chapter of revised judicature act in the probate code; modify.
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Representative Calley, and Tom Clement, representing the State Court Administrative Office, testified in support of the bills. Questions and discussion followed.

Peter Cunningham, representing the State Bar of Michigan, submitted a testimony card in support of the bills but did not wish to speak.

Representative Theis moved to adopt the substitute (H-2) for HB 5806. 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 report HB 5806, with recommendation, as substitute (H-2). 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 report HB 5807 with recommendation. 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 report HB 5808 with recommendation. 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 committee returned to consideration of HB 6026.

First Lieutenant Tim Fitzgerald, Beth Clark, and Jeff Nye, representing the Michigan State Police, testified in opposition to the bill. Questions and discussion followed.

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

Tom Hickson, representing the Michigan Catholic Conference.

Kimberly Buddin, representing the American Civil Liberties Union of Michigan.

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

Dwayne Province, representing a Michigan exoneree.

Desmond Ricks, representing a Michigan exoneree.

Nathanial Hatchett, representing a Michigan exoneree.

Pete Lund, representing Americans for Prosperity.
Beth Powers, representing the Innocence Project.
Jason Smith, representing the Michigan Council on Crime and Delinquency.
David Guenther, representing the Mackinac Center.

Blaine Koops, representing the Michigan Sheriff's Association, and Megan Noland, representing the Oakland County Sheriff, submitted testimony cards in opposition to the bill, but did not wish to speak.

Marla Michell-Cichon, representing the Innocence Project, submitted a testimony card in support of the bill, and wishing to speak, but due to time was unable to do so.

Bruce Timmons, representing himself, and Bill Vaillencourt, representing the Prosecuting Attorney's Association of Michigan, submitted testimony cards wishing to speak in opposition to the bill, but due to time were unable to do so.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 12:58 p.m.

Representative Runestad, Chair

Matthew Carnagie
Committee Clerk
November 27, 2018

Date Approved and Signed