



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

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, May 2, 2018 2:35 p.m. Room 521 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Chairman Kesto laid the committee at ease, the time being 2:36 p.m.

Chairman Kesto called the committee back to order, the time being 2:45 p.m.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Members absent/excused: None.

Representative Chang moved to adopt the minutes of May 1, 2018. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

HB 5792 (Hoadley) Higher education; other; campus sexual assault response improvement plan and grant act; create.

Representative Hoadley testified in support of the bill. Questions and discussion followed.

Erin Schor, representing the Michigan Community College Association, submitted a card in support, in concept, of the bill, but did not wish to speak.

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

Kimberly Hurst, representing the Wayne County SAFE Program.

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

Chairman Kesto laid the following bill before the committee:

HB 5786 (Clemente) Education; employees; maintain record for separation of employment; require, and establish that department is immune from civil liability.

Representative Clemente testified in support of the bill. Questions and discussion followed.

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

Kimberly Hurst, representing the Wayne County SAFE Program.

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

Mary Pollock, representing the American Association of University Women.

Tom Hickson, representing the Michigan Catholic Conference.

Chairman Kesto laid the following bills before the committee:

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| HB 5793 (Theis) | Health occupations; health professionals; additional individual present during certain examinations of minors; require, and require consent for treatment. |
| HB 5783 (Whiteford) | Health; medical records; provision for the protection, retention, and maintenance of medical records referencing a vaginal or anal penetration treatment for 15 years by a health professional and health facility or agency; implement. |
| HB 5784 (Hauck) | Criminal procedure; sentencing guidelines; sentencing guidelines for the crime of intentionally failing to document certain services in a medical record and performing certain medical treatments on a minor without consent and another individual present; enact. |
| HB 5798 (Albert) | Crime victims; statements; definition of the term "victim" for purposes of impact statements; expand. |
| HB 5537 (Kesto) | Crimes; other; preventing reporting of crime; prohibit by use of position of authority. |
| HB 5788 (Geiss) | Criminal procedure; sentencing guidelines; sentencing guidelines for sexual contact or sexual penetration under pretext of medical treatment; modify. |
| HB 5658 (Cox) | Criminal procedure; evidence; admissibility of prior acts of sexual crimes; allow under certain circumstances. |
| HB 5660 (Love) | Crimes; penalties; crime of aggravated possession of child sexually abusive material; provide increased penalty. |
| HB 5661 (Farrington) | Criminal procedure; sentencing guidelines; sentencing guidelines for crime of aggravated possession of child sexually abusive material; provide for. |
| HB 5791 (Chang) | Education; students; information regarding sexual assault and harassment; require schools to provide to students and encourage related professional development. |

HB 5794 (Iden)	Crimes; penalties; crime of aggravated production, financing, and distribution of child sexually abusive material; provide for.
HB 5659 (Griffin)	Children; protection; mandatory reporting requirements for child abuse or child neglect; expand to include K-12 coaches and volunteers.
HB 5796 (Pagan)	Children; protection; distribution of training package to individuals designated as mandatory reporters for child abuse or child neglect; require.
HB 5539 (LaSata)	Law enforcement; other; potential harm or criminal acts in the student safety act; include sexual abuse, assault, and rape.
HB 5785 (LaSata)	Education; curriculum; instruction in sex education; modify to include instruction on sexual assault, dating violence, and domestic violence.
HB 5795 (Singh)	Civil rights; sex discrimination and harassment; office of college campus sexual assault ombudsman; create within department of civil rights.
HB 5800 (Rabhi)	Education; discipline; certain actions regarding pupil who reports being sexually assaulted; require, and prohibit pupil from being expelled for reported incident.
SB 874 (Jones)	Children; child abuse or child neglect; failure to report suspected child abuse or neglect; increase penalties.
SB 880 (Jones)	Criminal procedure; sentencing guidelines; penalty for not reporting child abuse; increase.

Erin Schor, representing the Michigan Community College Association, submitted a card in support in concept of HB 5795, but did not wish to speak.

Allan Wachendorfer, representing the National Association of Social Workers, testified in support of HB 5796, in opposition to SB 874 and SB 880, and indicating HB 5659 needs work. Questions and discussion followed.

Dan Hurley, CEO of the Michigan Association of State Universities; Melody Werner, Eastern Michigan University Title IX Coordinator; and Pam Heatlie, University of Michigan Title IX Coordinator, testified together on the bills. Questions and discussion followed.

Jennifer Smith, representing the Michigan Association of School Boards, testified on HB 5539, HB 5659, HB 5785, HB 5786, HB 5791, and HB 5800.

Representative Theis moved to adopt substitute (H-1) to HB 5793. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Graves moved to adopt substitute (H-2) to HB 5783. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati.

Nays: Rep. Robinson.

Pass: Rep. Wittenberg.

Representative Graves moved to adopt substitute (H-1) to HB 5784. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati.

Nays: Rep. Robinson.

Pass: Rep. Wittenberg.

Representative Albert moved to adopt substitute (H-1) to HB 5798. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Lucido moved to adopt substitute (H-1) to HB 5537. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 5788. The motion prevailed, the

vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Albert moved to adopt substitute (H-1) to HB 5658. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Wittenberg.

Nays: Rep. Robinson,

Pass: Rep. Liberati.

Representative Chang moved to adopt substitute (H-1) to HB 5660. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Lucido moved to adopt substitute (H-2) to HB 5661. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Chang moved to adopt substitute (H-2) to HB 5791. The motion prevailed, the vote being 11-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: Rep. Robinson.

Representative Graves moved to adopt substitute (H-1) to HB 5794. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 4:44 p.m.

Representative Klint Kesto, Chair_____

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