



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

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, May 23, 2018

3:53 p.m.

Room 521 House Office Building

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

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

Members absent/excused: None.

Representative Lucido moved to adopt the minutes of May 22, 2018. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bills before the committee:

- | | | |
|---------|-------------|--|
| SB 871 | (O'Brien) | Criminal procedure; statute of limitations; statute of limitations for certain criminal sexual conduct violations; modify. |
| SB 872 | (Knezek) | Civil procedure; statute of limitations; statute of limitations for criminal sexual conduct violations; extend retroactively, and add grace period for minor victims of criminal sexual conduct. |
| 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 5787 | (Kesto) | Crimes; criminal sexual conduct; sexual contact and sexual penetration under pretext of medical treatment; prohibit, and provide penalties. |

HB 5788	(Geiss)	Criminal procedure; sentencing guidelines; sentencing guidelines for sexual contact or sexual penetration under pretext of medical treatment; modify.
HB 5789	(Noble)	Health occupations; health professionals; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for.
HB 5790	(Rendon)	Health occupations; health professionals; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for.
HB 5794	(Iden)	Crimes; penalties; crime of aggravated production, financing, and distribution of child sexually abusive material; provide for.
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 5537	(Kesto)	Crimes; other; preventing reporting of crime; prohibit by use of position of authority.
HB 5658	(Cox)	Criminal procedure; evidence; admissibility of prior acts of sexual crimes; allow under certain circumstances.
HB 5798	(Albert)	Crime victims; statements; definition of the term "victim" for purposes of impact statements; expand.
HB 5791	(Chang)	Education; students; information regarding sexual assault and harassment; require schools to provide to students and encourage related professional development.
HB 5539	(LaSata)	Law enforcement; other; potential harm or criminal acts in the student safety act; include sexual abuse, assault, and rape.
HB 5799	(Hornberger)	Elections; other; procedure for the removal of official on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University; clarify.

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.
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.
HB 5797	(Pagan)	Civil rights; public records; identity of parties proceeding anonymously in civil actions alleging sexual misconduct; exempt from disclosure under freedom of information act.
HB 5800	(Rabhi)	Education; discipline; certain actions regarding pupil who reports being sexually assaulted; require, and prohibit pupil from being expelled for reported incident.
HB 5795	(Singh)	Civil rights; sex discrimination and harassment; office of college campus sexual assault ombudsman; create within department of civil rights.
HB 5792	(Hoadley)	Higher education; other; campus sexual assault response improvement plan and grant act; create.
HB 6043	(Clemente)	Education; employees; requirement for districts and public school academies to request certain information on unprofessional conduct for job applicants and a requirement to send that information to the department; establish.
HB 5982	(Cambensy)	Crimes; other; preventing reporting of certain alleged crimes to title IX coordinator by use of position of authority; prohibit.

Substitute (H-1) to SB 871 was previously adopted on May 22, 2018.
Substitute (H-1) to SB 872 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5793 was previously adopted on May 2, 2018.
Substitute (H-2) to HB 5783 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5784 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5787 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5788 was previously adopted on May 2, 2018.

Substitute (H-1) to HB 5794 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5660 was previously adopted on May 2, 2018 and amended on May 22, 2018.
Substitute (H-2) to HB 5661 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5537 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5658 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5798 was previously adopted on May 2, 2018.
Substitute (H-2) to HB 5791 was previously adopted on May 2, 2018.
Substitute (H-1) to HB 5659 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5796 was previously adopted on May 22, 2018.
Substitute (H-1) to SB 874 was previously adopted on May 22, 2018.
Substitute (H-1) to SB 880 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5797 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5795 was previously adopted on May 22, 2018.
Substitute (H-1) to HB 5792 was previously adopted on May 22, 2018.

Carole Hansen, representing herself, testified on SB 871, SB 872, SB, 874, SB 880, HB 5658, and HB 5799, and submitted written testimony.

Michael Shoemaker, representing the Michigan Physical Therapy Association, submitted a card in support of HB 5659 as amended, but did not wish to speak.

Shelly Stahl, representing Michigan Athletic Trainers, submitted a card in support of HB 5659 (H-2), but did not wish to speak.

Noah Smith, representing the Criminal Defense Attorneys of Michigan, submitted a card with a neutral position on SB 871, but did not wish to speak.

Jean Doss for Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence, submitted a card in support of SB 871 (H-2), but did not wish to speak.

Representative Lucido moved to adopt substitute (H-2) to SB 871. The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Howrylak, Robinson.

Pass: None.

Representative Lucido moved to report out SB 871, with recommendation, as substitute (H-2). The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Howrylak, Robinson.
Pass: None.

Representative Chang moved to adopt substitute (H-1) to SB 872. The motion prevailed, the vote being 10-0-2.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Reps. Liberati, Wittenberg.

Representative Liberati offered the following amendment to SB 872 (H-1):

1. Amend page 5, line 22, after "**750.520B**" by striking out the balance of the subsection and inserting a period.

Representative Liberati moved to adopt the amendment to the bill. The motion did not prevail, the vote being 3-7-2.

UNFAVORABLE ROLL CALL

Yeas: Reps. Robinson, Liberati, Wittenberg.

Nays: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert.

Pass: Reps. Chang, Guerra.

Representative Lucido moved to report out SB 872, with recommendation, as substitute (H-1). The motion prevailed, the vote being 8-1-3.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Reps. Howrylak, Liberati, Wittenberg.

Representative Theis moved to report out HB 5793, with recommendation, as substitute (H-1). 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 offered the following amendments to HB 5783 (H-2):

1. Amend page 9, line 1, by striking out the first "**MEDICAL**".
2. Amend page 9, line 1, after "**FOR**" by striking out the second "**MEDICAL**".

3. Amend page 10, line 14, by striking out the first "**MEDICAL**".
4. Amend page 10, line 14, after "**FOR**" by striking out the second "**MEDICAL**".
5. Amend page 10, line 24, by striking out the first "**MEDICAL**".
6. Amend page 10, line 24, after "**FOR**" by striking out the second "**MEDICAL**".

Representative Lucido moved to adopt the amendments to the bill. 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 report out HB 5783, with recommendation, as amended, as substitute (H-3). 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 report out HB 5784, with recommendation, as substitute (H-1). 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 Theis moved to report out HB 5787, with recommendation, as substitute (H-1). 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 report out HB 5788, with recommendation, as substitute (H-1). 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 report out HB 5789, with recommendation. 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 report out HB 5790, with recommendation. 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 report out HB 5794, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Chang moved to report out HB 5660, with recommendation, as substitute (H-2). The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Graves moved to report out HB 5661, with recommendation, as substitute (H-2). The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.
Pass: Rep. Howrylak.

Representative Roberts moved to report out HB 5537, with recommendation, as substitute (H-1).
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 Theis moved to report out HB 5658, with recommendation, as substitute (H-1).
The motion prevailed, the vote being 8-1-3.

FAVORABLE ROLL CALL

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

Representative Albert moved to report out HB 5798, with recommendation, as substitute (H-1).
The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson,
Guerra, Liberati, Wittenberg.
Nays: None.
Pass: None.

Representative Chang moved to report out HB 5791, with recommendation, as substitute (H-2).
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 report out HB 5539, with recommendation. 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 Theis moved to report out HB 5799, with recommendation. The motion prevailed, the vote being 8-2-2.

FAVORABLE ROLL CALL

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

Nays Reps. Howrylak, Robinson.

Pass: Reps. Liberati, Wittenberg.

Representative Lucido moved to adopt substitute (H-2) to HB 5659. The motion prevailed, the vote being 11-0-1.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to report out HB 5659, with recommendation, as substitute (H-2). The motion prevailed, the vote being 11-0-1.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Howrylak.

Representative Chang moved to report out HB 5796, with recommendation, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Lucido moved to report out SB 874, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-0-2.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Reps. Howrylak, Robinson.

Representative Lucido moved to report out SB 880, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Chang moved to report out HB 5797, with recommendation, as substitute (H-1). The motion prevailed, the vote being 9-1-2.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Reps. Howrylak, Liberati.

Representative Chang moved to report out HB 5795, with recommendation, as substitute (H-1). 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 made a motion to reconsider the vote by which HB 5795 was reported with recommendation, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Chang moved to report out HB 5795, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Albert, Robinson.

Pass: None.

Representative Chang moved to report out HB 5792, with recommendation, as substitute (H-1). The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Albert, Robinson.

Pass: None.

Representative Chang moved to report out HB 6043, with recommendation. The motion prevailed, the vote being 7-3-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Roberts, Chang, Guerra, Liberati, Wittenberg.

Nays: Reps. Graves, Albert, Robinson.

Pass: Reps. Howrylak, Theis.

Representative Chang moved to report out HB 5982, with recommendation. 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 Rabhi explained the substitute (H-3) to HB 5800.

Representative Chang moved to adopt substitute (H-3) to HB 5800. The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Chang moved to report out HB 5800, with recommendation, as substitute (H-3). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Chairman Kesto laid the committee at ease, the time being 4:30 p.m.

Chairman Kesto called the committee back to order, the time being 4:33 p.m.

There being no further business before the committee, Chairman Kesto adjourned the meeting,

the time being 4:34 p.m.

Representative Klint Kesto, Chair

Melissa Weipert, Committee Clerk
House Law and Justice Committee
mweipert@house.mi.gov
(517) 373-5176