



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

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, October 3, 2017 9:00 a.m. Room 327 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 Chang moved to adopt the minutes of September 26, 2017. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bills before the committee:

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| SB 435 | (Schuitmaker) | Courts; drug court; certification of drug treatment courts by the state court administrative office; require. |
| SB 436 | (Schuitmaker) | Courts; drug court; certification of DWI/sobriety court by the state court administrative office; amend the vehicle code to reflect. |
| SB 437 | (Schuitmaker) | Courts; other; certification of mental health courts by the state court administrative office; require. |
| SB 438 | (Schuitmaker) | Courts; other; certification of veterans courts by the state court administrative office; require. |

Trisha Nesbitt, from Senator Schuitmaker's office, testified in support of the bills. Questions and discussion followed.

Judge Harvey Hoffman (retired), representing the Michigan Association of Treatment Court Professionals; Dr. Jessica Parks, representing the State Court Administrative Office; and Judge Tom Boyd, representing the Michigan District Judges Association, testified together in support of the bills. Questions and discussion followed.

Tom Power, representing the 13th Circuit Court in Traverse City, testified in opposition to the bills. Questions and discussion followed.

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

Alan Cropsey, representing the Attorney General Bill Schuette.
Mike Pandy, representing the Prosecuting Attorneys Association of Michigan.
Cami Pendell, representing the Michigan Judges Association.
Peter Cunningham, representing the State Bar of Michigan.

Chairman Kesto laid the following bills before the committee:

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| HB 4536 (Lucido) | Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require. |
| HB 4537 (Lucido) | Law enforcement; law enforcement information network (LEIN); promulgation of rules to effectuate expunction and destruction of all arrest record information from LEIN and other databases by C.J.I.S. under certain circumstances; require. |
| HB 4538 (Lucido) | Criminal procedure; pretrial procedure; expunction and destruction of biometric data; eliminate certain exceptions. |

Representative Lucido testified in support of the bills. Questions and discussion followed.

Chairman Kesto laid the following bills before the committee:

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| HB 4585 (Yaroch) | Crimes; public office and officers; prohibit and provide penalties for targeting a victim based on his or her actual or perceived employment criteria. |
| HB 4590 (Kesto) | Crimes; public office and officers; protected individuals against intimidation or hate crimes; expand to include law enforcement officers, firefighters, and emergency medical services personnel. |
| HB 4591 (Iden) | Criminal procedure; sentencing guidelines; guidelines for crime of targeting law enforcement officer or emergency medical personnel as victim; enact. |

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

Alan Cropsey, representing the Attorney General Bill Schuette.
Reverend Melvin Jones, representing the Black Lives Matter Lansing, and submitted written testimony.
Matt Sowash, representing the Police Officers Association of Michigan.

David Hiller, representing the Fraternal Order of Police, submitted a card in support of HB 4590, but did not wish to speak.

Chairman Kesto laid the committee at ease, the time being 9:50 a.m.
Chairman Kesto called the committee back to order, the time being 10:01 a.m.

Substitute (H-1) to HB 4585 was previously adopted on September 26, 2017.

Representative Lucido moved to report out HB 4585 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, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Reps. Howrylak, Chang.

Substitute (H-1) to HB 4590 was previously adopted on September 26, 2017.

Representative Graves moved to report out HB 4590 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, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Reps. Howrylak, Chang.

Substitute (H-1) to HB 4591 was previously adopted on September 26, 2017.

Representative Lucido offered the following amendment to HB 4591 (H-1):

1. Amend page 2, line 13, after **“OFFICER”** by inserting **“ OR CORRECTIONS OFFICER”**.

Representative Lucido moved to adopt the amendment to the bill. 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 4591 with recommendation, as amended, as substitute (H-2). The motion prevailed, the vote being 9-1-2.

FAVORABLE ROLL CALL

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

Nays: Rep. Robinson.

Pass: Reps. Howrylak, Chang.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 10:05 a.m.

Representative Klint Kesto, Chair _____

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