



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

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, November 28, 2018 8:15 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, Guerra, Liberati, Wittenberg.

Members absent/excused: Rep. Robinson.

Representative Lucido moved to adopt the minutes of November 27, 2018. There being no objection, the motion prevailed by unanimous consent.

Representative Chang moved to excuse absent members. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

SB 416 (Rocca) Animals; animal shelters; adoption of certain seized animals used in fighting operations; allow, and make other revisions.

Senator Rocca testified in support of the bill.

Robert Fisher and Andy Seltz, both representing the Michigan Humane Society, testified together 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:

Molly Tamulevich, representing the Humane Society of the United States.
Matt Breslin, representing the Michigan Veterinary Medical Association.

The following submitted written testimony in support of the bill:

The Animal Law Section, State Bar of Michigan.
Attorneys for Animals.

Representative Theis moved to report out SB 416 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

SB 895 (Bieda) Civil procedure; other; court of claims notification requirements and statute of limitations; exempt claims under the wrongful imprisonment compensation act.

SB 896 (Jones) Civil procedure; other; wrongful imprisonment compensation act; extend the time for claims by individuals who were released before the effective date of the act.

Jerry Gill, from Senator Bieda's office; Wolfgang Mueller, representing Harold Wells; and Professor Marla Mitchell-Cichon, representing the Cooley Law School Innocence Project, testified in support of the bills. Questions and discussion followed.

Tom Hickson, representing the Michigan Catholic Conference, submitted a card in support of the bills, but did not wish to speak.

Representative Theis moved to report out SB 895 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Lucido moved to report out SB 896 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

HB 6421 (Kesto) Traffic control; driver license; requirement for secretary of state to forward a digitized photograph of applicant for a state registry

identification card to department of licensing and regulatory affairs; provide for.

HB 6422 (Kesto) Marihuana; tracking system; information in the marihuana tracking system; allow licensee to authorize disclosure.

HB 6500 (Kesto) Marihuana; facilities; definition of applicant for medical marihuana facilities license; modify, and provide other general amendments.

Mike Batterbee testified with a neutral position on HB 6421. Questions and discussion followed.

Andrew Brisbo, representing the Michigan Department of Licensing and Regulatory Affairs, testified in support of the bills. Questions and discussion followed.

David Worthams, representing the Michigan Bankers Association, submitted a card in support of HB 6422, but did not wish to speak.

Chairman Kesto laid the committee at ease, the time being 8:40 a.m.

Chairman Kesto called the committee back to order, the time being 8:41 a.m.

Chairman Kesto explained the proposed (H-2) substitute to HB 6500 and the proposed amendment to the (H-2) substitute.

Andrew Brisbo, representing the Michigan Department of Licensing and Regulatory Affairs, returned to answer further questions. Discussion followed.

Representative Lucido moved to adopt substitute (H-2) to HB 6500. The motion prevailed, the vote being 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Lucido offered the following amendment to HB 6500 (H-2):

1. Amend page 23, line 18, after “**THAN**” by striking out “**1%**” and inserting “**5%**”.

Representative Lucido moved to adopt the amendment to the bill. The motion prevailed, the vote being 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.
Pass: None.

Chairman Kesto laid the following bills before the committee:

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| HB 4607 | (Lucido) | Juveniles; criminal procedure; age of juvenile court jurisdiction and location of juvenile detention in some instances; modify. |
| HB 4653 | (Kosowski) | Mental health; other; age of juvenile in disposition of persons found not guilty by reason of insanity; modify. |
| HB 4659 | (Santana) | Criminal procedure; youthful trainees; age eligibility for youthful trainee status; raise to 18 years. |
| HB 4662 | (Pagel) | Juveniles; criminal procedure; age of juvenile court jurisdiction in juvenile diversion act; modify. |
| HB 4664 | (Afendoulis) | Juveniles; criminal procedure; definition of adult in Michigan indigent defense commission act; modify. |
| HB 4675 | (Guerra) | Juveniles; criminal procedure; factors to consider when determining jurisdiction over juveniles in certain circumstances; modify. |
| HB 4676 | (Garrett) | Juveniles; criminal procedure; age of juvenile jurisdiction in youth rehabilitation services act; modify. |
| HB 4677 | (Chang) | Corrections; other; family advisory board; establish. |
| HB 4678 | (Howrylak) | State agencies (existing); corrections; permissible purposes for closing open meeting to include discussion of certain information by family advisory board; establish. |
| HB 4685 | (Webber) | Criminal procedure; sentencing; procedures for sentencing juveniles prosecuted for personal protection order violation; revise code of criminal procedure to revise age limit. |
| HB 4696 | (Singh) | Criminal procedure; other; reporting the number of juveniles under the age of 18 tried for felony or misdemeanors as adults; require. |
| HB 4741 | (Howrylak) | Corrections; jails; time confined in cells for incarcerated individuals under 21 years of age; develop policies to limit. |
| HB 4744 | (Noble) | Juveniles; other; detention of juveniles in certain circumstances; modify. |

HB 4753	(Runestad)	Juveniles; criminal procedure; specified juvenile violation definition; modify in probate code of 1939.
HB 4793	(Jones)	Criminal procedure; sentencing; juveniles who may be sentenced in the same manner as an adult; revise criteria.
HB 4850	(Howrylak)	Juveniles; criminal procedure; juveniles under age 18 arrested for nonlisted offenses; provide for jurisdiction in the family division of circuit court.
HB 4969	(Brann)	Juveniles; criminal procedure; prejudication confinement of juveniles under 18 years of age in jail; preclude.
HB 5637	(Durhal)	Corrections; other; placement of youth under 18 with adults during confinement, trial, or transport; prohibit.
HB 6396	(Howrylak)	Juveniles; juvenile justice services; county juvenile justice services reimbursements; modify.
HB 6515	(Love)	Courts; other; raise the age advisory committee; create in the state court administrative office.
HB 6529	(LaFave)	Criminal procedure; sentencing; procedures for sentencing juveniles prosecuted for personal protection order violation; revise code of criminal procedure to revise age limit.

Substitute (H-1) to HB 4607 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4653 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4659 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4662 was previously adopted on November 27, 2018.
Substitute (H-2) to HB 4664 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4675 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4676 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4685 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4696 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4741 was previously adopted on November 27, 2018.
Substitute (H-2) to HB 4744 was previously adopted on November 27, 2018.
Substitute (H-3) to HB 4753 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4793 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4850 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 4969 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 5637 was previously adopted on November 27, 2018.
Substitute (H-1) to HB 6396 was previously adopted on November 27, 2018.

Representative Love testified in support of HB 6515.

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

Kahryn Riley, representing the Mackinac Center for Public Policy.
Peter T. Stevens, representing the Michigan Council on Crime and Delinquency.

The following people submitted a card in support of HB 6515, but did not wish to speak:

Jason Smith, representing the Michigan Council on Crime and Delinquency.
Tom Hickson, representing the Michigan Catholic Conference.

Representative Graves explained the proposed substitute (H-2) to HB 4662, the proposed substitute (H-3) to HB 4744, the proposed substitute (H-4) to HB 4753, the proposed substitute (H-2) to HB 4969, and the proposed substitute (H-2) to HB 5637.

Representative Graves moved to adopt substitute (H-2) to HB 4662. The motion did not prevail, the vote being 2-8-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Theis.

Nays: Reps. Kesto, Lucido, Howrylak, Roberts, Albert, Chang, Guerra, Wittenberg.

Pass: Rep. Liberati.

Representative Graves moved to adopt substitute (H-3) to HB 4744. The motion did not prevail, the vote being 2-8-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Theis.

Nays: Reps. Kesto, Lucido, Howrylak, Roberts, Albert, Chang, Guerra, Wittenberg.

Pass: Rep. Liberati.

Representative Graves moved to adopt substitute (H-4) to HB 4753. The motion did not prevail, the vote being 2-8-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Theis.

Nays: Reps. Kesto, Lucido, Howrylak, Roberts, Albert, Chang, Guerra, Wittenberg.

Pass: Rep. Liberati.

Representative Graves moved to adopt substitute (H-2) to HB 4969. The motion did not prevail, the vote being 2-8-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Theis.

Nays: Reps. Kesto, Lucido, Howrylak, Roberts, Albert, Chang, Guerra, Wittenberg.

Pass: Rep. Liberati.

Representative Graves moved to adopt substitute (H-2) to HB 5637. The motion did not prevail, the vote being 2-8-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Theis.

Nays: Reps. Kesto, Lucido, Howrylak, Roberts, Albert, Chang, Guerra, Wittenberg.

Pass: Rep. Liberati.

Representative Lucido moved to report out HB 4607, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4653, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4659, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4662, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4664, with recommendation as substitute (H-2). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Guerra moved to report out HB 4675, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4676, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Lucido moved to report out HB 4607, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4677, with recommendation. The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4678, with recommendation. The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Lucido moved to report out HB 4685, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4696, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4741, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4744, with recommendation as substitute (H-2). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 4753, with recommendation as substitute (H-3). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 4793, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Lucido moved to report out HB 4969, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 5637, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Howrylak moved to report out HB 6396, with recommendation as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Chang moved to report out HB 6515, with recommendation. The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Representative Lucido moved to report out HB 6529, with recommendation. The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis.

Pass: None.

Chairman Kesto returned to HB 6421, HB 6422 and HB 6500.

Representative Lucido moved to report out HB 6421 with recommendation. The motion prevailed, the vote being 7-4-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Graves, Theis, Albert, Liberati.

Pass: None.

Representative Lucido moved to report out HB 6422 with recommendation. The motion prevailed, the vote being 10-1-0.

FAVORABLE ROLL CALL

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

Nays: Rep. Albert.

Pass: None.

Representative Lucido moved to report out HB 6500, with recommendation, as amended, as substitute (H-3). The motion prevailed, the vote being 9-1-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Albert.

Pass: Rep. Liberati.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 9:21 a.m.

Representative Klint Kesto, Chair_____

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