



MEMBERS:

SEN. TONYA SCHUITMAKER, VICE CHAIRMAN
SEN. TORY ROCCA
SEN. STEVE BIEDA, MINORITY VICE CHAIR

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

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Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, May 17, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:37 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, and Bieda
Members excused: None

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- | | | |
|--------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SB 231 | Sen. Schuitmaker | Crimes; other; discovery of a dead body; require to notify law enforcement under certain circumstances. |
| SB 258 | Sen. Jones | Liquor; drinking age; certain minors presenting themselves for treatment; exempt from underage drinking violation under certain circumstances. |
| SB 234 | Sen. Jones | Health; occupations; conviction of first, second, or third degree criminal sexual conduct; revise sanction disciplinary subcommittee must impose and include permanent revocation. |
| SB 235 | Sen. Jones | Health; occupations; conviction of first, second, or third degree criminal sexual conduct; revise sanction disciplinary subcommittee must impose. |
| SB 236 | Sen. Jones | Health; occupations; conviction of first, second, or third degree criminal sexual conduct; allow permanent revocation of license or registration. |
| SB 354 | Sen. Jones | Criminal procedure; sex offender registration; exception to prohibition against residing within a student safety zone; modify. |

Senator Jones also announced the addition of Senate Bill 380 (Sen. Hildenbrand), which is a companion bill to Senate Bill 231.

Senator Rocca moved to adopt the minutes from May 10th, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 231 (Sen. Schuitmaker) and Senate Bill 380. Senator Schuitmaker testified in explanation of her bill and substitute. Senator Schuitmaker informed committee members that an amendment would be offered to address concerns raised to her from nursing homes.

Senator Hildenbrand testified in support of the pair of bills, and introduced his guest Tim McMorrان, representing the Kent County Prosecuting Attorney. Mr. McMorrان testified in favor of the bills and answered questions from the committee members.

Senator Bieda entered the committee room at 2:41 p.m.

Senator Jones announced that voting on the bills would take place at the end of the meeting while amendments were being drafted.

Senator Jones placed before the committee Senate Bill 258 (Sen. Jones). Senator Jones explained his bill.

The following persons testified on Senate Bill 258:

- Aaron Letzeiser, representing the Associated Students of Michigan State University Department of Governmental Affairs—Support (Written testimony on file with clerk)

The following persons submitted cards, but did not wish to testify, on Senate Bill 258:

- Noah Smith, representing the National Association of Social Workers-Michigan Chapter—Support
- KC Steckelberg, representing the Prosecuting Attorneys Association—Support
- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Support

Senator Bieda moved that Senate Bill 258 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 258. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bills 234, 235, and 236 (Sen. Jones). Senator Jones explained the legislation to the committee members.

The following persons testified on Senate Bills 234-236:

- Shannon Vendittelli, citizen—Support
- Frank M. Ochberg, M.D.—Support

The following persons submitted cards, but did not wish to testify, on Senate Bills 234-236:

- Shelli Weisberg, representing the ACLU of MI—Support (as amended)

Senator Schuitmaker moved to adopt the substitute (S-1) to Senate Bill 234. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved that Senate Bill 234 S-1 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 234 S-1. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Schuitmaker moved that Senate Bill 235 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 235. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Rocca moved that Senate Bill 236 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 236. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 354 (Sen. Jones). Senator Jones explained his bill and substitute to the committee. Senator Jones further explained that testimony was taken on the bill the previous week, and that the committee would vote on the bill at the day's meeting.

The following persons submitted cards, but did not wish to testify, on Senate Bill 354:

- Chris Hawkins, representing the Michigan State Police—Support

Senator Schuitmaker moved to adopt the substitute (S-1) to Senate Bill 354. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Jones answered questions from the committee members.

Senator Rocca moved that Senate Bill 354 S-1 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 354 S-1. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones returned to Senate Bills 231 and 380.

Senator Schuitmaker explained her amendments to the committee members.

Senator Bieda moved to adopt the Schuitmaker Amendment #1 to the S-1 of Senate Bill 231. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to adopt the substitute (S-1) as amended to Senate Bill 231. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved that Senate Bill 231 as amended as a clean substitute be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the Schuitmaker Amendment #1 to Senate Bill 380. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)
Nays: none (0)
Pass: none (0)
Absent: none (0)

Senator Bieda moved that Senate Bill 380 as amended as a clean substitute be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Senator Bieda moved to adopt the Schuitmaker Amendment #1 to the S-1 of Senate Bill 231. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)
Nays: none (0)
Pass: none (0)
Absent: none (0)

Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 3:16 p.m.

5/31/11
Date Approved by Committee

**An audio recording of this committee meeting is available upon request for a minimal fee.