



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 8, 2012 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:31 p.m.

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

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- | | | |
|---------|------------------|---|
| SB 1092 | Sen. Jones | Civil procedure; other; judgment liens; provide for foreclosure. |
| SB 978 | Sen. Schuitmaker | Probate; trusts; trust decanting; allow. |
| SB 979 | Sen. Schuitmaker | Probate; trusts; personal property trust perpetuities act; modify to account for decanted trusts. |
| SB 980 | Sen. Jones | Probate; trusts; powers of appointment; revise. |
| SB 1109 | Sen. Jones | Criminal procedure; sentencing; sentencing of certain habitual offenders; modify. |

For Testimony Only:

- | | | |
|---------|------------------|---|
| SB 1056 | Sen. Jones | Law enforcement; fingerprinting; criminal identification and records; expand to include biometric data. |
| SB 1082 | Sen. Hildenbrand | Controlled substances; schedules; synthetic cannabinoids; classify as schedule 1 controlled substances and prohibit sales and offer to sell certain products represented to contain controlled substances or having the effects of controlled substances. |

Senator Jones moved to adopt the minutes from May 1, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 1082 (Sen. Hildenbrand) for testimony. Senator Hildenbrand explained the bill to committee members and answered questions. Senator Jones announced that further testimony would be taken on the bill later in the meeting.

Senator Jones placed before the committee Senate Bill 1109 (Sen. Jones). Senator Jones invited Attorney General Bill Schuette to testify on the bill. Attorney General Schuette also submitted written documents on file with the clerk.

The following persons testified on Senate Bill 1109 and answered questions from committee members:

- Arthur Matthews, citizen—Support
- Robert Stevenson, Executive Director for the Michigan Association of Chiefs of Police—Support (organization also submitted written testimony on file with the clerk)
- Sheriff Dwain Dennis, representing Ionia County—Support
- Sheriff Blaine Koops, representing the Allegan County Sheriff Office & the Michigan Sheriffs Association—Support (organization also submitted written testimony on file with the clerk)
- Michael Thomas, representing Saginaw County & the Prosecuting Attorneys Association of Michigan—Support (organization also submitted written testimony on file with the clerk)
- Tom Evans, representing the Barry County Office of Prosecuting Attorney—Support (also submitted written testimony on file with the clerk)
- Tom Cameron, representing the Michigan Attorney General's Office—Support
- Kenneth Grobowski, representing the Police Officers Association of Michigan—Support (organization also submitted written testimony on file with the clerk)
- Jessica Peterson & Steve DeBor, representing the Administration/Michigan Department of Corrections—No Position

The following persons submitted cards, but did not testify, on Senate Bill 1109:

- Barbara Levine, representing the Citizens Alliance on Prisons & Public Spending—Oppose (organization also submitted written testimony on file with the clerk)
- John Shea, representing the Criminal Defense Attorneys of Michigan—Oppose
- Sheriff Michael Bouchard, representing Oakland County Sheriff's Office—Support
- John Buczek, representing the Fraternal Order of Police—Support (organization also submitted written testimony on file with the clerk)

The following persons submitted written testimony, but did not testify, on Senate Bill 1109:

- Victor Fitz, Prosecuting Attorney for Cass County—Support

Senator Schuitmaker moved to adopt the S-1 Substitute to Senate Bill 1109. 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 that Senate Bill 1109 (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)

Without objection, the committee further recommended that Senate Bill 1109 (S-1) be given immediate effect by unanimous consent.

Senator Jones returned to Senate Bill 1082 (Sen. Hildenbrand) to take further testimony.

The following persons testified on Senate Bill 1082 and answered questions from committee members:

- Dr. David Wade, representing the Michigan Department of Community Health—Support (also submitted written testimony on file with the clerk)
- Lt. Joseph Quisenberry, representing the Oakland County Sheriff's Office—Support
- Sgt. Chris Hawkins & Kyle Hoskins, representing the Michigan State Police—Support

The following persons submitted written testimony, but did not testify, on Senate Bill 1082:

- Susan Smolinske, Director of the DMC Children's Hospital of Michigan—Support

Senator Jones placed before the committee Senate Bill 1056 (Sen. Jones) for testimony. Senator Jones explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 1056 and answered questions from committee members:

- Sgt. Chris Hawkins, representing the Michigan State Police—Support

Senator Jones placed before the committee Senate Bill 1092 (Sen. Jones). Senator Jones explained the bill to committee members and answered questions.

Senator Jones moved that Senate Bill 1092 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 Jones moved to recommend immediate effect for Senate Bill 1092. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 978-980 (Sens. Schuitmaker and Jones).

The following persons submitted cards, but did not testify, on Senate Bills 978-980:

- Patricia Herndon, representing the Michigan Bankers Association—Support

Senator Bieda moved that Senate Bill 978 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 978. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved that Senate Bill 979 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 979. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved that Senate Bill 980 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 980. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 3:32 p.m.

Date Approved by Committee: May 10, 2012

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