



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, June 5, 2012 at 2:00 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:01 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

HB 5284 Rep. Walsh Crimes; computer; definition of computer; expand to include certain electronic communication devices.

HB 4928 Rep. Cotter Property; other; affidavits to correct errors or omissions relating to previously recorded documents; allow.

SB 1126 Sen. Jones Corrections; prisoners; electronic monitoring of certain participants in work release programs; require.

SB 1127 Sen. Jones Corrections; other; verification of school enrollment or employment of individual placed on school or work release while on probation; require.

HB 5562 Rep. Lori Crimes; crimes against minors; child abuse penalties; enhance, and provide penalties for crimes involving the commission of child abuse in the presence of another child.

HB 5563 Rep. Graves Criminal procedure; sentencing guidelines; sentencing guidelines for crime of first degree and second degree child abuse; revise, and provide penalties for crimes involving the commission of child abuse in the presence of another child.

HB 5431 Rep. Heise Crimes; other; false report of medical or other emergency; prohibit and provide for a penalty and reimbursement of certain expenses.

HB 5432 Rep. Somerville Criminal procedure; other; reimbursement of certain expenses resulting from false reports of emergencies; provide for.

HB 5433 Rep. Cotter Criminal procedure; sentencing guidelines; sentencing guidelines for crime of making false report of medical or other emergency; enact.

For Testimony Only:

SB 743 Sen. Jones Children; abduction; uniform child abduction prevention act; create.

A Presentation by the Judicial Selection Task Force.

Senator Jones called forth members of the Judicial Selection Task Force to give a presentation. Michigan Supreme Court Justice Marilyn Kelly, Sixth Circuit Federal Court of Appeal Judge James Ryan, and Michigan Court of Appeals Judge William Whitbeck presented the findings of their report to committee members. (A copy of the report is on file with the clerk)

Senator Schuitmaker moved to adopt the minutes from May 29, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee House Bills 5431-5433 (Reps Heise, Somerville & Cotter) for testimony. Representative Heise explained the bill package to committee members and answered questions.

The following persons testified on House Bills 5431-5433 and answered questions from committee members:

- Lt. Larry Perry, representing the Oakland County Sheriff's Office—Support
- Mary Lovik, representing the Michigan Domestic Violence & Sexual Assault Prevention & Treatment Board—Oppose as written (also submitted written testimony on file with the clerk)

Senator Jones placed before the committee Senate Bills 1126 & 1127 (Sen. Jones) for testimony. Senator Jones explained his bills to committee members and answered questions.

The following persons testified on Senate Bills 1126 & 1127 and answered questions from committee members:

- Fred McPhail, Eaton County Undersheriff, and Jeff Kirkpatric, representing the Eaton County Sheriff's Office—Support

Senator Jones placed before the committee House Bill 5284 (Rep. Walsh). Senator Jones explained his amendment to committee members

Senator Jones moved to adopt Amendment #1 to House Bill 5284. 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 that House Bill 5284 as amended 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5284 as amended be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4928 (Rep. Cotter). Senator Jones explained his amendment to committee members.

The following persons submitted cards, but did not testify, on House Bill 4928:

- Tabitha Zimny, representing the Real Property Law Section of the State Bar of Michigan—Support as amended.

Senator Jones moved to adopt Amendment #1 to House Bill 4928. 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 that House Bill 4928 as amended 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4928 as amended be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5562 & 5563 (Reps. Lori & Graves). Matt Sowash, staff for Representative Graves, explained the bills to committee members and answered questions. Senator Jones explained his amendment to House Bill 5562 to committee members.

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

The following persons testified on House Bills 5562 & 5563 and answered questions from committee members:

- Rick Calhoun, citizen—Support

The following persons submitted cards, but did not testify, on House Bills 5562 & 5563:

- Rebecca Mastee, representing the Michigan Catholic Conference—Support

Senator Jones moved to adopt Amendment #1 to House Bill 5562. 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 (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Bieda (1)

Senator Jones moved that House Bill 5562 as amended 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 (3/4)

Nays: none (0)

Pass: none (0)
Absent: Senator Bieda (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5562 as amended be given immediate effect by unanimous consent.

Senator Rocca moved that House Bill 5563 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 (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Bieda (1)

Senator Rocca moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5563 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 743 (Sen. Jones) for testimony. Senator Jones explained the bills to committee members and answered questions.

Senator Bieda entered the committee room at 2:47 p.m.

The following persons testified on Senate Bill 743 and answered questions from committee members:

- Kent Weichmann, representing the Family Law Section of the State Bar of Michigan—Support

Senator Jones moved to reconsider the vote by which House Bill 5562 as amended passed to be reported out of committee with recommendation. 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 that House Bill 5562 as amended 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 reconsider the vote by which House Bill 5563 passed to be reported out of committee with recommendation. 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 that House Bill 5563 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 adjourned the committee at 2:52 p.m.

Date Approved by Committee: June 12, 2012

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