



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 12, 2012 at 1:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 1:30 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 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 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.

HB 5124 Rep. Cotter Courts; circuit court; concurrent jurisdiction in certain courts; establish.

HB 4834 Rep. Haines Health; medical marihuana; photograph on medical marihuana card; require.

HB 4851 Rep. Cavanagh Health; medical marihuana; definition of "bona fide physician-patient relationship"; clarify.

HB 4853 Rep. McBroom Criminal procedure; sentencing guidelines; sentencing guidelines for crime of selling or providing medical marihuana to unprescribed user; implement.

HB 4856 Rep. Glardon Crimes; other; transporting medical marihuana in motor vehicle; allow under certain circumstances.

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

Pending Referral:

HB 5658 Rep. Haveman Corrections; other; correctional industries; clarify use of inmate labor.

Senator Jones announced that House Bill 5560 (Rep. Shaughnessy) has been added to the agenda for the day's meeting.

Senator Jones placed before the committee House Bills 4834, 4851, 4853, & 4856 (Reps. Haines, Cavanagh, McBroom, & Glardon). Representatives Walsh, Horn and Cavanagh explained the bill package to committee members and answered questions. Senator Jones announced that the committee would return to the bills later in the meeting for further testimony.

Senator Schuitmaker moved to adopt the minutes from June 5, 2012 with unanimous consent. Without objection, the minutes were adopted.

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

The following persons submitted cards, but did not testify, on Senate Bills 1126 & 1127:

- Dusty Fancher, representing 3M Electronic Monitoring—Support

Senator Jones moved to adopt the S-1 Substitute to Senate Bill 1126. 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 Senate Bill 1126 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 1126 S-1 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 Substitute to Senate Bill 1127. 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 Senate Bill 1127 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 the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 1127 S-1 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5431-5433 (Reps Heise, Somerville & Cotter).

Senator Jones moved to adopt the S-2 Substitute to House Bill 5431. 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 5431 S-2 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5431 S-2 be given immediate effect by unanimous consent.

Senator Jones moved to adopt the S-1 Substitute to House Bill 5432. 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 5432 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5432 S-1 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-2 Substitute to House Bill 5433. 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 5433 S-2 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5433 S-2 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 743 (Sen. Jones). Senator Jones explained the bill and substitute to committee members and answered questions.

The following persons submitted cards, but did not testify, on Senate Bill 743:

- Bill Kandler, representing the Family Law Section-State Bar of Michigan—Support

Senator Bieda moved to adopt the S-2 Substitute to Senate Bill 743. 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 Senate Bill 743 S-2 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 Senate Bill 743 S-2 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 5560 (Rep. Shaughnessy). Senator Jones explained the bill to committee members and answered questions.

Senator Jones moved that House Bill 5560 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5560 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 5658 (Rep. Haveman). Representative Haveman explained the bill to committee members and answered questions.

The following persons testified on House Bill 5658 and answered questions from committee members:

- Jessica Peterson & Dept. Director Randy Treacher, representing the Administration/Department of Corrections—Support
- Nick Ciaramitaro, representing the AFSCME & MSEA—Oppose
- James Long, representing the Attorney General’s Office—No position, available to answer questions

The following persons submitted cards, but did not testify, on House Bill 5658:

- Mike Migrin, representing the Michigan State Employee Association—Oppose
- Donna Spenner, representing the Michigan State Employee Association—Oppose

Senator Schuitmaker moved that House Bill 5658 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: Senator Bieda (1)

Pass: none (0)

Absent: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5658 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 5124 (Rep. Cotter) for testimony.

The following persons testified on House Bill 5124 and answered questions from committee members:

- Chad Schmucker, representing the State Court Administrative Office—Support

The following persons submitted cards, but did not testify, on House Bill 5124:

- Matthew Schneider, representing the Michigan Supreme Court—Support
- Cami Pendell, representing the Michigan Judges Association—Support H-4 Substitute

Senator Jones returned the committee to House Bills 4834, 4851, 4853, & 4856 (Reps. Haines, Cavanagh, McBroom, & Glardon).

The following persons testified on House Bills 4834, 4851, 4853, & 4856 and answered questions from committee members:

- Mike O’Brien and Rae Ramsdell, representing the Department of Licensing and Regulatory Affairs—Neutral HB 4834
- Tim Beck, representing the Coalition for a Safer Detroit—Support (all bills)
- Gershom Avery, citizen—Oppose (all bills)
- Daniel Solano, citizen—Oppose (all bills) (also submitted written testimony on file with the clerk)
- Richard Clement, representing Michigan NORML—Oppose (also submitted written testimony on file with the clerk)

The following persons submitted cards, but did not testify, on House Bills 4834, 4851, 4853, & 4856:

- Ken Stecker, representing the Prosecuting Attorney Association of Michigan—No position, available for questions (all bills)

- Attorney General Bill Schuette—Support HB 4856 & 4853, Support with Amendments HB 4851 & 4834
- Yanko Restovic, representing Patients and Caregivers—Oppose (all bills)
- David Brogren, representing Cannabis Patients United—Neutral HB 4853, Oppose HB 4834, 4851 & 4856 (also submitted written testimony on file with the clerk)
- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Oppose HB 4834, Neutral HB 4851 & 4856, Support HB 4853

Senator Jones adjourned the committee at 2:26 p.m.

Date Approved by Committee: July 18, 2012

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