



**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 Wednesday, July 18, 2012 at 9:00 a.m. in Room 110 of the Farnum Building.

The meeting was called to order at 9:09 p.m.

Members present: Senators Jones, Rocca, Bieda  
Members excused: Senator Schuitmaker

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Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

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

HB 5225 Rep. Opsommer Weapons; firearms; certain procedures for purchase and possession of pistols; revise.

HB 5498 Rep. LeBlanc Criminal procedure; sentencing guidelines; sentencing guidelines for certain firearm violations; revise to reflect changes in substantive laws.

HB 5499 Rep. Franz Crimes; weapons; certain procedures for purchase and possession of pistols; revise.

HB 5466 Rep. Heise Construction; contracts; certain indemnification provisions; prohibit in construction-related service contracts with public agencies.

HB 5592 Rep. Lane Civil procedure; garnishment; effective period for writ of wage garnishment; extend.

HB 5159 Rep. Schmidt Courts; circuit court; veterans treatment court; provide for the state drug treatment court advisory committee to monitor.

HB 5162 Rep. Damrow Courts; circuit court; veterans treatment court; create.

Senator Bieda moved to adopt the minutes from June 12, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee House Bill 5124 (Rep. Cotter). Senator Jones explained his amendments to the bill.

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

- Cami Pendell, representing the Michigan Judges Association—Support
- Chad Schmucker and Matthew Schneider, representing the Supreme Court and State Court Administrative Office—Support as amended

Senator Bieda moved to adopt Amendment #1 to House Bill 5124. 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Bieda moved to adopt Amendment #2 to House Bill 5124. 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Bieda moved that House Bill 5124 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5431 as amended be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 5466 (Rep. Heise) for testimony. Representative Heise explained the bill and answered questions from committee members. Senator Jones explained the substitute to committee members and answered questions.

The following persons testified on House Bill 5466 and answered questions from committee members:

- Ron Brenke, representing the American Council of Engineering Companies—Support
- Craig Thompson, representing Design Professionals—Support
- Ron Campbell, representing the American Institute of Architects—Support
- Pat Bentley, representing the Michigan Society of Professional Surveyors—Support
- Summer Minnick, representing the Michigan Municipal League, and Abigail Elias, representing the City of Ann Arbor—Oppose
- Thomas Keranen and Bart Carrigan, representing the Association of General Contractors-Michigan—Support

The following persons submitted cards, but did not testify, on House Bill 5466:

- Brad Comment, representing the Construction Association of Michigan—Support
- Lance Binoniemi, representing the Michigan Infrastructure & Transportation Association--Support

Senator Jones placed before the committee House Bill 5592 (Rep. Lane). Representative Lane explained the bill to committee members and answered questions.

The following persons testified on House Bill 5592 and answered questions from committee members:

- Clay Powell, representing the Rental Property Owners Association of Michigan—Support

Senator Bieda moved that House Bill 5592 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5592 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5159 & 5162 (Reps. W. Schmidt & Damrow). Representative Damrow explained the bills to committee members and answered questions.

The following persons testified on House Bills 5159 & 5162 and answered questions from committee members:

- Lt. John Wojcik and Steve Kozera, representing the Department of Military and Veterans Affairs—Support
- David Jordon, representing the Ingham County Veterans' Treatment Court—Support (also submitted written testimony on file with the clerk)
- Judge Brian Mackenzie, representing the Michigan Association of Drug Court Professionals—Support (also submitted documents on file with the clerk)
- Dan Fox, representing the Novi Veterans Treatment Courts—Support
- James Harper, citizen—Support
- Ian Sullivan, representing the Novi Veterans Treatment Court—Support

The following persons submitted cards, but did not testify, on House Bills 5159 & 5162:

- Jeff Sauter, representing the Eaton County Prosecuting Attorney and the Prosecuting Attorneys Association of Michigan—Support
- Harvey Hoffman, representing MDDCP—Support
- Peter Cunningham, representing the State Bar of Michigan—Support

Senator Jones moved that House Bill 5159 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5159 be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 5162 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5162 be given immediate effect by unanimous consent.

Senator Bieda moved to exuse absent members. Without objection, absent members were excused.

Senator Jones placed before the committee House Bills 5225, 5498 & 5499 (Reps. Opsommer, LeBlanc & Franz) for testimony. Senator Jones announced that there were substitutes to House Bill 5499. Greg Ostrander, staff for Representative Opsommer, explained the bill package to members and answered questions.

The following persons testified on House Bills 5225, 5498 & 5499 and answered questions from committee members:

- Sgt. Dwayne Gill and Deb Smith, representing the Michigan State Police—Oppose
- Michael Thiede, representing Michigan Gun Owners—Support
- Matt Dogali, representing the National Rifle Association--Support

The following persons submitted cards, but did not testify, on House Bills 5225, 5498 & 5499:

- Mary Lovik, representing the Michigan Domestic Violence & Sexual Assault Prevention & Treatment Board—Oppose
- Kathy Hagman, representing the Michigan Coalition to End Domestic & Sexual Violence—Oppose
- Amy Trotter, representing the Michigan United Conservation Clubs—Support

The following persons submitted written testimony in Support, but did not testify, on House Bills 5225, 5498 & 5499 (written testimony is on file with the clerk):

- |                      |                         |                            |
|----------------------|-------------------------|----------------------------|
| • Terry Kanady       | • Werner Dahm           | • Shawnise Glaze           |
| • Thomas Martin      | • Bryan Dunning         | • Jeffery Haman            |
| • Michael Stephenson | • Erik Heyboer          | • David Orrell             |
| • Terry Webster      | • Richard Leach         | • Gerald Jensen            |
| • John Marshall      | • Christopher Samuelson | • Mark Walker              |
| • Dennis Kanady      | • Joseph Moss           | • Ben Shattuck             |
| • Rita Rex           | • Karen Swartz          | • David Hill               |
| • Thomas Fedolak     | • Brandon Gutierrez     | • Walter Reynolds          |
| • Charles E. Fish    | • Antoinette Keary      | • Joseph Guilliaems        |
| • Eric Walls         | • Daniel Griffey        | • Rick Kube                |
| • Daniel Bonamie     | • Stanley Kozlowicz     | • Art Krallman             |
| • Phillip Brown      | • James Alderson        | • William Moralee          |
| • Ian Klukowski      | • Brian Hoffman         | • Joseph Brown             |
| • Joseph Talaski     | • Kenneth Swartz        | • Rachel Itabashi-Campbell |
| • Kyle Curtis        | • David Lipka           | • Jeff Cargill             |
| • Ronald Caster      | • James Blankenship     | • Robert Covill            |
| • Andrew VanNorman   | • Steve Harper          | • Paul Wierbicki           |
| • Ray de Varona      | • Micheal-Scott Premo   | • Steve Stec               |
| • Steven Wagner      | • Aaron Carr            | • Robert Campbell          |
| • Michael Adams      | • Michael Crew          |                            |

- Walter Patterson
- Angel LaPorte
- Robert Livingston
- Michael Jacobs
- Scott Trombley
- James Anderson
- Ray Warner
- Louis Anderson
- Lori Anderson
- Alan Anderson
- Carlene Bombe
- Yatin Patel
- William Fullmer
- Elizabeth Woods
- Joseph Welch
- Ken Blevins
- Robert Jennison
- James Hodson
- John Hamper
- Joseph Morrison
- Robert McIntrye
- Charles Strech
- Brett Weiss
- Zachary Strech
- Chucks Schaap
- Keith Hessen
- David Mosby
- Elliott VanHorn
- Thomas D. Brown
- Jonathan Mire
- Thomas Rossman
- Shawn Jones
- Trevor Harwood
- Gavin Grinwis
- David Carrier
- Steven Burgett
- Ross Bryan
- Shane Mooney
- Wayne Barker
- Gerald Maher
- Patrick Shepse
- Tim Beahan
- Derrek Moralee
- Michael Chaffee
- Jason Lumbert
- James Gonyou
- Kelly Farris
- Kevin Laird
- Nicholas Looman
- Eric Hagendorff
- Geoffrey Muscat
- David Siburt
- Roger Pyzik
- James W. Mitchell III
- David Goff
- Donald Millington
- Vasil Nestorovski
- Evan Dentler
- Donald Cole
- Stuart Chisholm
- John Hurd
- Scott Allen
- Craig Johnson
- Lewis Soldatek
- Timothy McMahon
- Mike Aquilina
- Greg Kern
- Gerard Nowik
- Chad Ellenwood
- Timothy Baron
- Joe Kleszcz
- Ryan Sparks
- Jason Monte
- Michael Miedzianowski
- Jack Stanley
- Lance George-Irwin Hazlett
- Richard Gardiner
- Alex Buranskas
- Adam Kozlowski
- Gary Bucher
- Neil Carpenter
- Estelle Oliansky
- Steven Agosta
- Clinton Wells
- Robert Dentler
- Samuel Rodriguez
- Bonnie Talbot
- Jarret Cloutier
- Brittany Pyzik
- Adam Berns
- Mark Stevenson
- Frank McClelland
- Lloyd Smale
- Frank Carpenter
- Aaron Gulyas
- Seth Budrew
- Michael Leo
- Michael Tissue
- Ray Nadda
- Paul Jergens
- Rene San Agustin
- Donald Romain
- Stephen Harold
- Thomas Pierce
- Tyson Dow
- Wes Carter
- Richard Dakesian
- Dan Old
- Steven Kleitsch
- James Zinke
- Chris Broughan
- Matthew Cawood
- James Hope
- Johnathon Turner
- Jeffery T. Haman
- Thaddeus Warner
- Bob Newton
- Robert Gorial
- Gregg Gronda
- Thomas A. McKay
- Edward S Carmichael
- Lawrence Gilsdorf
- Brian Bell
- David Golus
- Mike Glover
- Matthew Needham-Urbanke
- Jason thornnton
- Daniel Witherell
- Bernard D. Cissell
- Kenneth Lynn Hehrer
- Thomas L. Castello
- Robert Mitchell
- Curtis Hahn
- Tim Beethem
- Timothy Mousseau
- Robert Raine
- Denis Curran
- Alan K. Hays
- Robert Wardlow
- Chad Zeller
- Kerry L. Morgan
- Duane Hoag
- Andrew Michael Engel
- Peter Prina
- Randy Neumann
- Charles L. Storm
- Ran Oleary
- Constance Phillips
- Travis Michael Norkowski
- William Phillips
- Greg Burchfield
- John R. Sheets
- Raffi Der Manuelian
- George Matthew Ziegenmeyer
- Randall Matson
- Matt VanDam
- Kenneth J Brown
- Daniel F. Rakoczy
- Christopher Jacob Old
- Corey R.Z. Bombard
- Daniel A Bennett
- Ralph Andrew Wilson

- Daniel J. Vialard
- John L. McKenney
- Rev. Donald R Derby
- Chris Leaver
- Gregory D Findlay.
- Craig Robert Van Noord
- David Clark
- Richard James Weaver
- Harold Jay Cooper
- Richard Neal yager
- Mike Oliansky
- Rick Rope
- Robert Harman
- Byron M. Shea
- Randy Davis
- Scott Linton
- Garrett Brent Jackson
- Nathan Threet
- David Pyzik
- David Galloway
- Ian A Rhinehart
- Jerome A Bradford
- Brian Bloss
- Gary Sell
- Fred McClendon
- Jim Buchanan
- Chaney Overholts
- Jeffery Wise
- Doug Chamberlain
- Daniel Girt

Senator Jones adjourned the committee at 10:19 a.m.

Date Approved by Committee: July 26, 2012

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