



**MEMBERS:**

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

**THE SENATE**  
**COMMITTEE ON JUDICIARY**  
**SENATOR RICK JONES**  
**CHAIRMAN**

915 FARNUM  
P.O. BOX 30036  
LANSING, MICHIGAN 48909-7536  
PHONE: (517) 373-3447  
FAX: (517) 373-5849

**Senate Committee on Judiciary**  
**Minutes**

A meeting of the Senate Committee on Judiciary was held on Tuesday, May 7, 2013 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:32 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, and Bieda

Members excused: none

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Senator Jones called the meeting to order and announced the order of business for the meeting:

HB 4382 Rep. Cotter Health; emergency response; do-not-resuscitate orders; authorize guardians to execute and provide other general amendments.

HB 4383 Rep. LaFontaine Human services; adult foster care; citation to do-not-resuscitate orders; revise.

HB 4384 Rep. Kurtz Probate; guardians and conservators; guardian's authority to consent to a do-not-resuscitate order; clarify, and provide procedure.

HB 4139 Rep. McMillin Criminal procedure; other; provision relating to proceedings to prevent crime; repeal.

HB 4126 Rep. Johnson Torts; liability; liability of persons under equine activity liability act; limit to willful or wanton acts under certain circumstances.

SB 300 Sen. Caswell Criminal procedure; defenses; statewide standards and accountability measures of trial-level indigent criminal defense services; implement, and create the Michigan indigent defense commission act.

SB 301 Sen. Caswell Criminal procedure; other; appointment of counsel to indigent person charged with felony; modify.

Senator Rocca entered the committee room at 2:33 p.m.

Senator Bieda entered the committee room at 2:34 p.m.

Senator Jones placed before the committee House Bill 4139 (Rep. McMillin). Alex Burlu, staff to Representative McMillin, explained the bill to committee members and answered questions.

The following persons testified on House Bill 4139 and answered questions from committee members:

- Shelli Weisberg, American Civil Liberties Union of Michigan—Support

The following persons submitted testimony cards, but did not wish to speak, on House Bill 4139:

- Peter Cunningham, State Bar of Michigan—Support
- Jim Casha, resident of Norwich, Ontario, Canada—Support

Senator Schuitmaker moved that House Bill 4139 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)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4139 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4126 (Rep. Johnson) for testimony only. Representative Johnson explained the bill to committee members and answered questions.

The following persons testified on House Bill 4126 and answered questions from committee members:

- Julie Fershtman, Michigan Equine Partnership—Support
- Steve Hicks, Michigan Association for Justice—Oppose

The following persons submitted testimony cards, but did not wish to speak, on House Bill 4126:

- Larry Julian, Michigan Equine Partnership—Support
- Tonia Ritter, Michigan Farm Bureau—Support
- Todd Tennis, Negligence Law Section-State Bar of Michigan—Oppose

Senator Jones placed before the committee Senate Bills 300 & 301 (Sen. Caswell) for testimony only. Senator Caswell explained the bills to committee members and answered questions. Senator Jones explained that Senator Caswell had another commitment to attend, and that the committee would return to take further testimony on the bills later on.

Senator Jones moved to adopt the minutes from April 30, 2013 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee House Bills 4382-4384 (Reps. Cotter, LaFontaine, & Kurtz). Representatives Cotter and Kurtz explained the bills to committee members and answered questions.

The following persons testified on House Bills 4382-4384 and answered questions from committee members:

- Lisa Ashley, Hospice & Palliative Care Association—Support with amendments
- Michael Lebenbom, Health Care Association of Michigan—Support
- Ed Rivet, Right to Life of Michigan—Support
- Chris Rodriguez, Michigan Protection & Advocacy Service—Oppose
- Glenn Ashley, United Cerebral Palsy of Michigan—Oppose
- Georgia Callis, Guardian Care—Support

The following persons submitted testimony cards, but did not wish to speak, on House Bills 4382-4384:

- Tom Tomlinson, citizen—Oppose
- Dohn Hoyle, The Arc Michigan—Oppose
- Ben Bodkin, Michigan County Medical Care Facilities Council—Support
- Rebecca Mastee, Michigan Catholic Conference—Support
- Ellen Hoekstra, Elder Law & Disability Rights Section-State Bar of Michigan—Support
- Rebecca Bechler, Probate & Estate Planning Section-State Bar of Michigan—Support
- Bob Stein, Michigan Assisted Living Association—Neutral
- Tandy Bidinger, Michigan Developmental Disabilities Council—Oppose

Senator Jones placed before the committee Senate Bills 300 & 301 (Sen. Caswell) for additional testimony.

The following persons testified on Senate Bills 300 & 301 and answered questions from committee members:

- Tom Power, 13<sup>th</sup> Circuit Court—Oppose
- Paul Stankewitz, Michigan Catholic Conference—Support
- Jon Hulsing, Michigan Judges Association—Neutral
- Ward Clarkson & Tom Boyd, Michigan District Judges Association—Support
- Ben Bodkin, Michigan Association of Counties—Oppose
- John Shea, Criminal Defense Attorneys of Michigan—Support
- Matt Evans & Tyrone Sanders, Wayne County Criminal Defense Bar Association—Oppose
- Judy Allen, Michigan Townships Association—Oppose
- Jim Casha, resident of Norwich, Ontario, Canada—Support

The following persons submitted testimony cards, but did not wish to speak, on Senate Bills 300 & 301:

- Rep. Tom McMillin—Support
- Peter Cunningham, State Bar of Michigan—Support
- Shelli Weisberg, American Civil Liberties Union of Michigan—Support
- Harry Wilson, Michigan Council on Crime & Delinquency—Support
- Marcela Westrate, Campaign for Justice—Support
- Brandon Mauro, Citizens Bail Coalition—Neutral
- Gerry Poisson, Oakland County—Oppose as introduced

With no further business before the committee, Senator Jones adjourned the committee without objection at 4:33 p.m.

Date Approved by Committee: May 14, 2013

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