



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
Minutes

A meeting of the Senate Committee on Judiciary was held on Tuesday, May 21, 2013 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:33 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, and Bieda
Members excused: none

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

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|---------|-----------------|--|
| SB 250 | Sen. Hansen | Crimes; assaultive; assaulting certain health care professional; increase penalties. |
| SB 360 | Sen. Hansen | Criminal procedure; sentencing guidelines; sentencing guidelines for crime of assaulting or battering a health care professional; enact. |
| 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 4064 | Rep. Heise | Courts; records; digital court records and electronically filing court papers; allow. |
| HB 4532 | Rep. Price | Courts; records; digital court records and electronically filing court papers; permit as established by the supreme court. |
| SB 293 | Sen. Bieda | Probate; wills and estates; power of personal representative of a decedent's estate; provide access to certain online accounts. |

SB 343 Sen. Jones Weapons; other; exemption for retired federal law enforcement officers to carry weapon in weapon-free zones; provide for.

Senator Bieda moved to adopt the minutes from May 14, 2013 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bills 250 & 360 (Sen. Hansen). Senator Jones announced that there was a substitute for Senate Bill 250 for consideration. Senator Hansen explained the bills and substitute to committee members and answered questions.

The following persons submitted testimony cards, but did not wish to speak, on Senate Bills 250 & 360:

- Ellen Hoekstra, Michigan Association of Governmental Employees—Support (SB 250)
- Ben Bodkin, Michigan County Medical Care Facilities Council—Support
- Colin Ford, Michigan State Medical Society—Support
- John Shaski, Sparrow Health System—Support concept (SB 250)
- Cameron Fure, Michigan Nurses Association—Support (SB 250)

Senator Bieda moved that the S-1 substitute be adopted to Senate Bill 250. The motion prevailed by an affirmative vote of the 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 that Senate Bill 250 (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)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 250 (S-1) be given immediate effect by unanimous consent.

Senator Rocca moved that Senate Bill 360 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 360 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 4382-4384 (Reps. Cotter, LaFontaine, & Kurtz).

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

- Chris Rodreguez, Michigan Protection and Advocacy—Oppose
- Ben Bodkin, Michigan County Medical Care Facilities Council—Support

Senator Jones moved that House Bill 4382 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4382 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 4383 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4383 be given immediate effect by unanimous consent.

Senator Jones moved that the S-1 substitute be adopted to House Bill 4384. The motion prevailed by an affirmative vote of the 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 Jones moved that House Bill 4384 (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)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4384 (S-1) be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 4064 & 4532 (Reps. Heise & Price). Senator Jones announced that there were substitutes before the committee for both bills.

The following persons testified on House Bills 4064 & 4532 and answered questions from committee members:

- Michael H.R. Buckles, Michigan Creditors Bar Association—Oppose
- Matthew Schneider, Michigan Supreme Court—Support

The following persons submitted testimony cards, but did not wish to speak, on House Bills 4064 & 4532:

- Peter Cunningham, State Bar of Michigan—Support
- Larry Julian & Maggie-Mae White, Michigan Council of Professional Investigators—Oppose

Senator Jones called forth Representative Heise to give further explanation and answer questions regarding the bills.

Senator Jones moved that the S-1 substitute be adopted to House Bill 4064. 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, Bieda (3/4)

Nays: none (0)

Pass: Senator Rocca (1)

Excused: none (0)

Senator Jones moved that House Bill 4064 (S-1) be reported out of committee with the recommendation that the bill then pass. The motion failed by a lack of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Bieda (2/4)

Nays: none (0)

Pass: Senators Schuitmaker, Rocca (2)

Excused: none (0)

There was no vote taken on House Bill 4532.

Senator Rocca left the committee room at 3:09 p.m.

Senator Jones placed before the committee Senate Bill 343 (Sen. Jones). Senator Jones explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 343 and answered questions from committee members:

- Greg Stejskal, retired SA/FBI—Support

The following persons submitted testimony cards, but did not wish to speak, on Senate Bill 343:

- Sgt. Dwayne Gill, Michigan State Police—Support

Senator Jones moved that Senate Bill 343 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, Bieda (3/4)
Nays: none (0)
Pass: none (0)
Absent: Senator Rocca (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 343 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 293 (Sen. Bieda) for testimony only. Senator Bieda and his staff explained the bill to committee members and answered questions.

The following persons submitted testimony cards, but did not wish to speak, on Senate Bill 293:

- Ellen Hoekstra, Capitol Services representing Google—Oppose

Senator Jones moved, supported by Senator Bieda, that the committee reconsidered the vote by which House Bill 4064 (S-1) failed. 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, Bieda (3/4)
Nays: none (0)
Pass: none (0)
Absent: Senator Rocca (1)

With no further business before the committee, Senator Jones adjourned the committee without objection at 3:22 p.m.

Date Approved by Committee: May 28, 2013

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