



**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, June 11, 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

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

SB 105 Sen. Schuitmaker Criminal procedure; DNA; collection of DNA samples at time of arrest for committing or attempting to commit a felony offense; provide for in DNA identification profiling system.

SB 106 Sen. Schuitmaker Criminal procedure; DNA; collection of DNA samples at time of arrest for committing or attempting to commit a felony offense; provide for in probate code of 1939.

SB 107 Sen. Jones Criminal procedure; DNA; collection of DNA samples at time of arrest for committing a felony or attempting to commit a felony offense; provide for in Michigan penal code.

HB 4262 Rep. Foster Crimes; weapons; prohibitions against carrying certain weapons; revise.

SB 410 Sen. Schuitmaker Law enforcement; other; certain records of probation to be provided to the Michigan commission on law enforcement standards; require.

SB 411 Sen. Schuitmaker Law enforcement; other; Michigan commission on law enforcement standards (MCOLES); create, and provide for powers and duties of that commission.

SB 412 Sen. Schuitmaker Law enforcement; funds; administration of Michigan justice training fund; revise to reflect changes made under the Michigan commission on law enforcement standards act.

HB 4613 Rep. O'Brien Housing; landlord and tenants; requirement for lawful reentry by landlord; modify in case of death of tenant.

SB 325 Sen. Jones Children; abduction; uniform child abduction prevention act; create.

Senator Bieda moved to adopt the minutes from May 28, 2013 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bills 105-107 (Sens. Schuitmaker and Jones). Senator Jones announced that there was a substitute for Senate Bill 105 for consideration. Senator Schuitmaker explained the bills and substitute to committee members and answered questions.

The following persons testified on Senate Bills 105-107 and answered questions from committee members:

- Sgt. Dwayne Gill, Michigan State Police—Support

The following persons submitted testimony cards, but did not wish to speak, on Senate Bills 105-107:

- Shelli Weisberg, American Civil Liberties Union of Michigan—Neutral (like the direct of the bill)

Senator Bieda moved that the S-1 substitute be adopted to Senate Bill 105. 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 105 (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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 105 (S-1) be given immediate effect by unanimous consent.

Senator Jones moved that Senate Bill 106 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 106 be given immediate effect by unanimous consent.

Senator Schuitmaker moved that Senate Bill 107 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 Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 107 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4262 (Rep. Foster). Senator Jones recapped the bill for committee members.

Senator Jones moved that House Bill 4262 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 4262 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bills 410-412 (Sen. Schuitmaker). Senator Jones announced that there was a substitute for Senate Bill 411 and an amendment to Senate Bill 410 for consideration. Senator Schuitmaker explained the bills, substitute, and amendment to committee members and answered questions.

The following persons testified on Senate Bills 410-412 and answered questions from committee members:

- Larry Nielsen, Village of Paw Paw—Support
- Chief of Police Eric Marshall, Village of Paw Paw—Support
- David Harvey, Michigan Commission on Law Enforcement Standards—Support

The following persons submitted testimony cards, but did not wish to speak, on Senate Bills 410-412:

- George Carr, Metroparks—Support (SB 412)

Senator Jones moved that the Schuitmaker Amendment #1 be adopted to Senate Bill 410. 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 Senate Bill 410 as amended as a clean substitute 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 410 as amended as a clean substitute be given immediate effect by unanimous consent.

Senator Bieda moved that the S-1 substitute be adopted to Senate Bill 411. 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 411 (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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 411 (S-1) be given immediate effect by unanimous consent.

Senator Jones moved that Senate Bill 412 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 412 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4613 (Rep. O'Brien). Stephanie Bogema, staff to Rep. O'Brien, explained the bill to committee members and answered questions.

The following persons testified on House Bill 4613 and answered questions from committee members:

- Mia McNeil, Property Management Association of Michigan—Support

The following persons submitted testimony cards, but did not wish to speak, on House Bill 4613:

- Brian Westrin, Michigan Association of Realtors—Support

- Scott Larry, Michigan Housing Council—Support
- Matt Kurta, Apartment Association of Michigan—Support
- Clay Powell, Rental Property Owners Association of Michigan—Support
- Tabitha Zimny, Real Property Law Section of the State Bar—Oppose

Senator Schuitmaker moved that House Bill 4613 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 Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4613 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 325 (Sen. Jones). Senator Jones explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 325 and answered questions from committee members:

- Kurt Weichmann, Family Law Section-State Bar of Michigan—Support

The following persons submitted testimony cards, but did not wish to speak, on Senate Bill 325:

- Nell Kuhnmuensch, State Bar of Michigan—Support (support based on support of SB 743 (S-2) of last session)

Senator Bieda moved that Senate Bill 325 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 Senate Bill 325 be given immediate effect by unanimous consent.

With no further business before the committee, Senator Jones adjourned the committee without objection at 2:59 p.m.

Date Approved by Committee: June 18, 2013

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