



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
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Senate Committee on Judiciary
Minutes

A meeting of the Senate Committee on Judiciary was held on Tuesday, November 12, 2013, at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:30 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:

- HB 4966 (Rep. Nesbitt) – Law enforcement; law enforcement information network (LEIN); access to law enforcement information network (LEIN); revise Michigan penal code to allow for department of corrections under certain circumstances.
HB 4967 (Rep. Cotter) – Law enforcement; law enforcement information network (LEIN); access to law enforcement information network (LEIN); amend revised judicature act to allow for department of corrections under certain circumstances.
- HB 4968 (Rep. Heise) – Law enforcement; law enforcement information network (LEIN); access to law enforcement information network (LEIN); amend code of criminal procedure to allow for department of corrections under certain circumstances.
- HB 4969 (Rep. O'Brien) – Law enforcement; law enforcement information network (LEIN); access to law enforcement information network (LEIN); amend public health code to allow for department of corrections under certain circumstances.
- HB 5048 (Rep. Brunner) – Criminal procedure; records; records regarding prohibited conduct of a licensed health care professional; clarify maintenance procedures and access to.
- HB 5049 (Rep. Singh) – Criminal procedure; records; certain records regarding participation in the veterans treatment court; modify.
- HB 5050 (Rep. Heise) – Crimes; fraud; sale, purchase, installation, transfer, or possession of "skimming" devices; prohibit, and provide penalties. Amends sec. 411w of 1931 PA 328 (MCL 785.411w).

- HB 5051 (Rep. Cotter) – Crimes; identity theft; penalties for identity theft using personal identifying information; provide for Michigan penal code to mirror penalties for violating similar provision of the identity theft protection act. Amends sec. 539k of 1931 PA 328 (MCL 750.539k).
- HB 5052 (Rep. Callton) – Criminal procedure; sentencing guidelines; sentencing guidelines for crime of recording personal identifying information from financial transaction device transaction by nonparty; enact. Amends sec. 16aa, ch. XVII of 1927 PA 175 (MCL 777.16aa). TIE BAR WITH: HB 5051'13
- HB 5053 (Rep. Lipton) – Criminal procedure; jurisdiction; jurisdiction for prosecution of certain crimes involving "skimming" devices; expand. Amends sec. 10c, ch. II of 1927 PA 175 (MCL 762.10c).
- HB 5054 (Rep. Kivela) – Criminal procedure; sentencing guidelines; sentencing guidelines for crime of selling, purchasing, installing, transferring, or possessing skimming device; provide for. Amends sec. 16t, ch. XVII of 1927 PA 175 (MCL 777.16t). TIE BAR WITH: HB 5050'13

Senator Bieda moved to adopt the minutes from November 5, 2013 with unanimous consent. Without objection, the minutes were adopted.

The Chairman called on Michelle Mattson, of Genisys Credit Union, Ashley Ligon, of the Michigan Credit Union League and Affiliates, and Steve Dedene, of Credit Union ONE, to explain House Bill 5050, House Bill 5051, House Bill 5052, House Bill 5053, and House Bill 5054. Ms. Mattson, Ms. Ligon, and Mr. Dedene then answered questions for committee members.

The following people submitted testimony cards but did not wish to speak concerning House Bill 5050, House Bill 5051, House Bill 5052, House Bill 5053, and House Bill 5054:

- Ryan Wardin, MasterCard – Support
- David Worthams, Michigan Bankers Association – Support
- Sgt. Dwayne Gill, Michigan State Police – Neutral

Senator Bieda moved that House Bill 5050 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: (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5050 be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 5051 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: (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5051 be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 5052 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: (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5052 be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 5053 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: (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5053 be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 5054 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: (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5054 be given immediate effect by unanimous consent.

The Chairman called on Jessica Peterson of the Michigan Department of Corrections to explain House Bill 4966, House Bill 4967, House Bill 4968, House Bill 4969, House Bill 5048 and House Bill 5049, as well as the corresponding substitutes and amendments. The Senator then answered questions for committee members.

The following people submitted testimony cards but did not wish to speak concerning House Bill 4966, House Bill 4967, House Bill 4968, House Bill 4969, House Bill 5048 and House Bill 5049:

- Tony Des Chenes, Michigan Judges Association – Support (HB 4966 – HB 4969 only)
- Mary Lovik, Michigan Domestic and Sexual Violence Prevention and Treatment Board – Support (HB 4968 only)
- Mark Gates, State Court Administration Office – Support
- Sgt. Dwayne Gill, Michigan State Police – Support (HB 4966 – HB 4969 only)

Senator Jones moved to adopt the S-1 substitute to House Bill 4966. 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 4966 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: (0)

Pass: none (0)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4966 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to House Bill 4967. 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 4967 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: (0)

Pass: none (0)
Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4967 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to House Bill 4968. 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 House Bill 4968 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: (0)
Pass: none (0)
Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4968 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to House Bill 4969. 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 House Bill 4969 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: (0)
Pass: none (0)
Excused: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4969 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt an amendment to the S-1 substitute to House Bill 5048. 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 to adopt the S-1 substitute as amended to House Bill 5048. 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 5048 be reported out of committee with the S-1 substitute as amended as a clean substitute 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: (0)

Pass: none (0)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5048 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt an amendment to House Bill 5049. 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 House Bill 5049 be reported out of committee as amended as a clean substitute 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: (0)

Pass: none (0)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5049 be given immediate effect by unanimous consent.

With no further business before the committee, Senator Jones adjourned the committee without objection at 2:57 p.m.

Date Approved by Committee: December 3, 2013

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