



**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, February 11, 2014, at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:34 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 5121 (Rep. Walsh) – Courts; judges; number of judgeships in the sixteenth circuit court; increase.
- HB 5122 (Rep. Kesto) – Courts; judges; number of judgeships in the sixth circuit court; increase.
- HB 5123 (Rep. Cotter) – Courts; judges; number of judgeships in the seventeenth circuit and the fifth district; modify, and consolidate certain district court districts.
- HB 5124 (Rep. Leonard) – Courts; judges; certain circuit and district courts; consolidate, and reduce the number of certain judgeships under certain circumstances.
- HB 5125 (Rep. Heise) – Courts; reorganization; certain district court districts; authorize consolidation under certain circumstances and modify the number of judges.
- SB 535 (Sen. Proos) – Criminal procedure; other; methamphetamine offenders registry; create, and require offenders to obtain a prescription to purchase ephedrine or pseudoephedrine products for a period of 10 years.
- SB 563 (Sen. Proos) – Criminal procedure; sentencing guidelines; sentencing guidelines for crime of purchasing or possessing ephedrine or pseudoephedrine knowing that it will

be combined with any other quantity of ephedrine or pseudoephedrine for the purpose of manufacturing or attempting to manufacture methamphetamine; enact.

- SB 564 (Sen. Proos) – Crimes; controlled substances; purchase of pseudoephedrine or ephedrine for another individual who intends to manufacture methamphetamines; establish as a crime.
- SB 756 (Sen. Proos) – Crimes; other; selling or furnishing ephedrine or pseudoephedrine without a prescription to individual previously convicted of methamphetamine-related offense; prohibit under certain circumstances.

Senator Schuitmaker moved to adopt the minutes from February 4, 2014 with unanimous consent. Without objection, the minutes were adopted.

The following people submitted testimony cards wishing to speak concerning House Bill 5121 through House Bill 5125:

- Bruce Timmons, Citizen – Neutral
- Judge Cynthia Walker, 50<sup>th</sup> District Court – Oppose
- Joe Baumann, State Court Administration Office – Support

Senator Schuitmaker moved to adopt the S-2 substitute to House Bill 5121. 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 Schuitmaker moved that House Bill 5121 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 5121 be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the S-1 substitute to House Bill 5122. 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 Schuitmaker moved that House Bill 5122 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 5122 be given immediate effect by unanimous consent.

Senator Jones moved to adopt an amendment to the S-1 substitute to House Bill 5123. 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 Schuitmaker moved to adopt the S-1 substitute as amended to House Bill 5123. 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 (3/4)

Nays: Senator Bieda (1/4)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that House Bill 5123 be reported out of committee with 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 (3/4)

Nays: Senator Bieda (1/4)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5123 be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the S-1 substitute 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, Schuitmaker, Rocca, Bieda (4/4)

Nays: (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that House Bill 5124 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 5124 be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the S-1 substitute to House Bill 5125. 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 Schuitmaker moved that House Bill 5125 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 5125 be given immediate effect by unanimous consent.

The Chairman invited Senator Proos forward to explain Senate Bill 535, Senate Bill 563, Senate Bill 564, and Senate Bill 756, as well as their corresponding substitutes. Senator Proos then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning Senate Bill 535, Senate Bill 563, Senate Bill 564, and Senate Bill 756:

- Jim Acquisto, Appriss Inc. – Support
- Kevin Krenshaar, Consumer Healthcare Products Association – Support
- Martin Underhill, Michigan Association of Chiefs – Support

- Sgt. Amy Dehner, Michigan State Police – Support

The following people submitted testimony cards but did not wish to speak concerning Senate Bill 535, Senate Bill 563, Senate Bill 564, and Senate Bill 756:

- Noah Smith, Criminal Defense Attorneys of Michigan – Neutral (SB 535 only)
- Shelli Weisberg, American Civil Liberties Union of Michigan – Neutral (SB 535 only)
- Hank Fults, Citizen – Support
- Chief Jim Millin, Niles Police Department – Support
- Ben Bodkin, Michigan Sheriffs Association – Support
- Megan Noland, Oakland County Sheriff – Support
- Amy Drumm, Michigan Retailers Association – Support
- Mike Pandy, Prosecuting Attorneys Association of Michigan – Support
- Dennis Majeskie, Johnson & Johnson – Support

Senator Bieda moved to adopt the S-2 substitute to Senate Bill 535. 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 that Senate Bill 535 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 Senate Bill 535 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to Senate Bill 563. 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 that Senate Bill 563 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 Senate Bill 563 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to Senate Bill 564. 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 that Senate Bill 564 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 Senate Bill 564 be given immediate effect by unanimous consent.

Senator Bieda moved that Senate Bill 756 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 Senate Bill 756 be given immediate effect by unanimous consent.

With no further business before the committee, the Chairman adjourned the meeting at 3:25 p.m.

Date Approved by Committee: February 18, 2014

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