



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, January 14, 2013 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:31 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 5069 (Rep. Heise) – Property; other; liability for damages if landlord enters premises; provide exception if occupant is squatting.
- HB 5070 (Rep. Heise) – Crimes; trespassing; definition of squatter; provide for, and provide penalties for squatting on certain premises.
- HB 5071 (Rep. Heise) – Criminal procedure; sentencing guidelines; sentencing guidelines for crime of squatting; enact.
- HB 4808 (Rep. O'Brien) – Crimes; penalties; mandatory life imprisonment for certain crimes; eliminate to reflect United States supreme court decision in Miller v Alabama.
- HB 4715 (Rep. Heise) – Weapons; ammunition; possession of ammunition by certain individuals; prohibit.
- HB 4716 (Rep. Graves) – Weapons; ammunition; reference in sentencing guidelines; update.
- HB 4717 (Rep. Kesto) – Weapons; ammunition; reference in 1927 PA 372; update.
- HB 4895 (Rep. Kesto) – Criminal procedure; sentencing; penalty for concealment of a stolen vehicle; increase with prior convictions.
- HB 4896 (Rep. Kesto) – Criminal procedure; sentencing guidelines; crime of receiving and concealing a motor vehicle, second or subsequent offense; enact.

The Chairman invited Representative O'Brien forward to explain House Bill 4808 and answer questions for committee members.

The following people submitted testimony cards but did not wish to speak concerning House Bill 4808:

- Kyle Kaminski, Department of Corrections – Neutral
- Alan Cropsey, Attorney General – Support
- Kristen Staley, Michigan Council on Crime and Delinquency – Oppose
- John Shea, Criminal Defense Attorneys of Michigan – Oppose
- Rodd Monts, American Civil Liberties Union of Michigan – Oppose

Senator Jones moved that House Bill 4808 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 4808 be given immediate effect by unanimous consent.

The Chairman invited Representative Heise forward to explain House Bill 5069, House Bill 5070, House Bill 5071, as well as their corresponding amendments and substitutes. Representative Heise then answered questions for committee members.

The following people testified concerning House Bill 5069, House Bill 5070, and House Bill 5071:

- Jim Schaafsma, Michigan Advocacy Project – Oppose

The following people submitted testimony cards but did not wish to speak in support of House Bill 5069, House Bill 5070, and House Bill 5071:

- Evie Sweeney, Michigan Housing Council
- David Worthams, Michigan Bankers Association
- Amy Daunt, Michigan Association of Realtors
- Ben Bodkin, Michigan Sheriffs Association (HB 5070 only)
- K.C. Steckelberg, Prosecuting Attorneys Association of Michigan
- Tabitha Zimny, Rental Property Owners Association

Senator Jones moved that the committee adopt the S-1 substitute to House Bill 5069. 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 House Bill 5069 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 (3/4)

Nays: (0)

Pass: Senator Bieda (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5069 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5070 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 (3/4)

Nays: (0)

Pass: Senator Bieda (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5070 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5071 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 (3/4)

Nays: (0)

Pass: Senator Bieda (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5071 be given immediate effect by unanimous consent.

The Chairman invited Representative Heise and Representative Kesto forward to explain House Bill 4715, House Bill 4716, House Bill 4717, as well as their corresponding amendments. The Representatives then answered questions for committee members.

The following people submitted testimony cards but did not wish to speak concerning House Bill 4715, House Bill 4716, and House Bill 4717:

- Sgt. Dwayne Gill, Michigan State Police – Support (HB 4715 only)
- Ben Bodkin, Michigan Sheriffs Association – Support (HB 4715 and HB 4717 only)

Senator Bieda moved to adopt an amendment to House Bill 4715. 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 4715 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 4715 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt an amendment to House Bill 4716. 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 Schuitmaker moved that House Bill 4716 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 Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4716 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt an amendment to House Bill 4717. 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 4717 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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4717 be given immediate effect by unanimous consent.

The Chairman invited Representative Kesto forward to explain House Bill 4895, House Bill 4896, as well as their corresponding amendments. The Representatives then answered questions for committee members.

Senator Schuitmaker moved to adopt the S-1 substitute to House Bill 4895. 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 4895 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 4895 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the S-1 substitute to House Bill 4896. 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 4896 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 4896 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the minutes from December 4, 2013 with unanimous consent. Without objection, the minutes were adopted.

With no further business before the committee, the Chairman adjourned the meeting at 3:12 p.m.

Date Approved by Committee: January 21, 2014

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