



MEMBERS:

SEN. TONYA SCHUITMAKER, MAJ. VICE CHAIR
SEN. TORY ROCCA
SEN. PATRICK COLBECK
SEN. STEVEN BIEDA, MIN. VICE CHAIR

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIR

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COMMITTEE MEETING MINUTES
September 22, 2015

A meeting of the Senate Committee on Judiciary was scheduled for Tuesday, September 22, 2015, at 3:00 p.m., in room 110 of the Farnum Building.

The agenda summary is as follows:

1. SB 291 - Civil procedure; remedies; wrongful imprisonment for crime; provide compensation for.
2. SB 302 - Liquor; licenses; nudity at on-premises licensed establishments; prohibit.
3. SB 427 - Torts; other; "Good Samaritan" law; expand to include licensed emergency medical service provider.
4. SB 458 - Children; adoption; grounds for termination of parental rights; clarify under certain circumstances.
5. SB 453 - Courts; district court; residency requirement for magistrate in the third class district courts; expand.
6. HB 4314 - Traffic control; violations; operation of a motor vehicle on property open to public in a manner that would be a moving violation if on public property causing death or serious impairment of a body function; prohibit, and provide penalties.
7. HB 4248 - Crimes; other; provisions relating to the playing of "The Star-Spangled Banner", use of contemptuous language under certain circumstances, use of indecent language in presence of women and children, and improper disposal of refrigerator; repeal.
8. HB 4249 - Crimes; trespassing; certain trespassing provisions; repeal.
9. HB 4501 - Criminal procedure; sentencing guidelines; sentencing guidelines to reflect certain repealed crimes; revise.
10. HB 4709 - Crimes; other; reference to "human monstrosity"; eliminate.
11. HB 4710 - Recreation; state parks; penalty for violators related to camping on state-owned lands; modify.
12. HB 4711 - Criminal procedure; sentencing; provision related to alternative or combined penalties; modify, and repeal certain other provisions.
13. HB 4250 - Recreation; athletics and sports; prohibition against certain endurance contests

such as walkathons; repeal.

14. SB 421 - Traffic control; traffic regulation; penalties for crime of failing to yield to or stop for approaching authorized emergency vehicle thereby causing injury or death to emergency personnel; amend.

15. SB 422 - Criminal procedure; sentencing guidelines; sentencing guidelines for crime of failing to yield or stop upon immediate approach of authorized emergency vehicle; provide for.

The Chairman called the meeting to order at 3:00 p.m. He instructed the Clerk to call the roll. At that time, the following members were present; Sen.(s) Jones, Schuitmaker, Colbeck and Bieda, a quorum was present.

The Chairman entertained a motion to adopt the minutes from August 19, 2015. Senator Schuitmaker so moved, and without objection the minutes were adopted.

The Chairman invited Senator Bieda to give an overview of Senate Bill 291.

The following people gave testimony to show their position on Senate Bill 291:

David Moran, Michigan Innocence Clinic – support

Julie Baumer, self – support

Ken Wyniemko, self – support

Representative Stephanie Chang - support

The Chairman read in testimony cards from the following individuals for Senate Bill 291:

John Shea, Criminal Defense Attorneys of Michigan – support

Victor Caminata, self – support

Jessika Rensch-Eden, self – support

Raymond Highers, self – support

Thomas Highers, self – support

Bill Proctor, Proving Innocence – support

Amanda Trinal, S.A.D.D. DNA Project – support

Nancy Diehl, self – support

Laura Laws, WMU- Cooley Innocence Project – support

Marla Mitchell, WMU- Cooley Innocence Project – support

Shelli Weisberg, ACLU of Michigan – support

The Chairman made a motion to adopt the Bieda amendment to Senate Bill 291

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the amendment was adopted.

The Chairman made a motion to report Senate Bill 291 as amended to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

Senator Bieda made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Alan Cropsey and Don McGehee of the Michigan Attorney General's office to give a presentation on Senate Bill 302.

The Chairman read in cards from the following people indicating their position for Senate Bill 302:

Julie Wendt, Michigan Liquor Control Commission – no opinion given

Scott Ellis, MLBA – support

Tom Frazier, Michigan Townships Association – support

Paul Stankewitz, Michigan Catholic Conference – support

The Chairman made a motion to report the S-1 substitute to Senate Bill 302 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Anna Mooney of Senator Hansen's office to give an overview of Senate Bill 427.

The following people gave testimony to show their position on Senate Bill 427:

Jackie Scott, Michigan Department of Health and Human Services - support

Tom Schmiedeknecht, Professional Med Team Ambulance - support

The Chairman read in cards from the following people indicating their position for Senate Bill SB 427:

Tom Frazier, Michigan Townships Association – support

The Chairman made a motion to adopt the Jones amendment to Senate Bill 427.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the amendment was adopted.

The Chairman made a motion to report Senate Bill 427 as amended to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Senator Schuitmaker to give an overview of Senate Bill 458

The following people testified on Senate Bill 458:

Judge Susan Dobrich, Probate Judges Association – support

The Chairman made a motion to adopt the Schuitmaker amendment to Senate Bill 458

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the amendment was adopted.

The Chairman made a motion to report Senate Bill 458 as amended to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Bieda

Nays: None

Pass: Sen. Colbeck

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Joseph Baumann of the SCOA to give an overview of Senate Bill 453

The Chairman made a motion to adopt the S-1 substitute to Senate Bill 453.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the substitute was adopted.

The Chairman made a motion to report the S-1 substitute to Senate Bill 458 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Rep. Singh to give an overview of House Bill 4314

The Chairman made a motion to adopt the Jones Amendment to House Bill 4314

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the amendment was adopted.

The Chairman made a motion to report House Bill 4314 as amended to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Rep. Afendoulis to give an overview of House Bill 4248, 4249, 4501, 4709, 4710, 4711.

The Chairman read in cards from the following people indicating their position for House Bill 4248 and House Bill 4249:

Shelli Weisberg, ACLU of Michigan – support (HB 4248, 4249, 4501, 4709, 4710, 4711)

Mike Pendy, Prosecuting Attorneys Association of Michigan – support (HB 4248, 4249, 4250)

The Chairman made a motion to report House Bill 4248 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4249 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda
Nays: None
Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4501 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda
Nays: None
Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4709 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda
Nays: None
Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4710 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda
Nays: None
Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4711 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda
Nays: None
Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman made a motion to report House Bill 4250 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

The Chairman invited Senator Hertel to give an overview of Senate Bill 421 and Senate Bill 422.

The Chairman read in cards from the following people indicating their position for Senate Bill 421 and Senate Bill 422:

Tom Frazier, Michigan Townships Association – support (SB 421)

Tiffany Hauser, AAA Michigan – support (SB 421,SB 422)

The Chairman made a motion to report Senate Bill 421 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to report Senate Bill 422 to the floor with recommendation that it then pass.

Yeas: Sen.(s) Jones, Schuitmaker, Colbeck, Bieda

Nays: None

Excused: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect, without objection immediate effect was recommended.

Being no further business before the Committee, The Chairman adjourned the Senate Committee on Judiciary without objection at 4:16 p.m.

Date Adopted by Committee: 9/29/15