



**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**  
**December 8, 2016**

A meeting of the Senate Committee on Judiciary was scheduled for Thursday, December 8, 2016, at 12:30 p.m., in the Room 403/403 of the Capitol Building.

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The agenda summary is as follows:

1. Reported HB 5842 (Rep. Heise) with recommendation and immediate effect.
2. Reported HB 5843 (Rep. Howrylak) with recommendation and immediate effect.
3. Reported HB 5844 (Rep. Kesto) with recommendation and immediate effect.
4. Reported HB 5845 (Rep. Guerra) with recommendation and immediate effect.
5. Reported HB 5846 (Rep. LaGrand) with recommendation and immediate effect.
6. Reported HB 5838 (Rep. Barrett) with recommendation and immediate effect.
7. Reported HB 5839 (Rep. Sheppard) with recommendation and immediate effect.
8. Reported HB 5790 (Rep. Howell) with recommendation and immediate effect.
9. Reported HB 5422 (Rep. Churkin) with recommendation and immediate effect.
10. Reported HB 5288 (Rep. Whittenberg) with recommendation and immediate effect.
11. Reported HB 5289 (Rep. Maturen) with recommendation and immediate effect.
12. Reported HB 5815 (Rep. Chang) with recommendation and immediate effect.
13. Reported HB 5520 (Rep. Kesto) with recommendation and immediate effect.
14. Testimony regarding SB 1158 (Sen Bieda)
15. Testimony regarding SB 1159 (Sen Bieda)
16. Testimony regarding HB 5359 (Rep. Poleski)
17. Testimony regarding HB 4924 (Rep. Poleski)
18. Testimony regarding HB 5360 (Rep. Heise)

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The Chairman called the meeting to order at 1:27 p.m. He instructed the Clerk to call the roll. At that time, the following members were present: Chairman Jones, Sen.(s) Schuitmaker Rocca and Colbeck, a quorum was present.

The Chairman made a motion to adopt the meeting minutes from November 29, 2016. Without objection, the minutes were adopted.

The Chairman invited Jonathan Sacks from to summarize HBs 5842-5846.

The Chairman invited the following individuals to present testimony regarding HBs 5842-5846:  
Judge James Fisher, Michigan Indigent Defense Commission - support

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HBs 5842-5846:

John Shea, Criminal Defense Attorneys of Michigan – support  
Shelli Weisberg, ACLU of Michigan – support  
Peter Cunningham, State Bar of Michigan – support  
Judge Ward Clarkson. Michigan District Judges Association - support

The Chairman invited Ron Kendall from Rep. Barrett’s office to give an overview of HBs 5838-5839 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HBs 5838-5839:

Rebecca Mastee, Michigan Catholic Conference – support (HBs 5838-5839)  
Sgt. Matt Williams, Michigan State Police – support (HBs 5838-5839)  
Julie Schnell, Michigan Council of Junior Leagues – support (HB 5839)

The Chairman invited Mike Goschka from Rep. Howell’s office to give an overview of HB 5790 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HB 5709:

Sgt. Matt Williams, Michigan State Police – support

The Chairman invited Rep. Churkin to give an overview of HB 5422 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HB 5422:

Rebecca Mastee, Michigan Catholic Conference – support

The Chairman invited Angela Allen, Rep. Maturen, and Rep. Whittenberg to give an overview of HBs 5288-5289 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HBs 5288-5289:

Mark Sutton, American Legion Department of Michigan – support  
Peter Cunningham, State Bar of Michigan – support

The Chairman invited Senator Bieda to give an overview of SBs 1158-1159 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding SBs 1158-1159:

Kyle Kaminski, Michigan Department of Corrections – neutral  
John Shea, Criminal Defense Attorneys of Michigan  
Laura Sager, Citizens Alliance of Prisons and Public Spending – support

The Chairman invited Maria Ostrander or Rep. Poleski’s office to give an overview of HB 5359, HB 4924 and HB 5360.

The Chairman invited the following individuals to present testimony regarding HB 5359, HB 4924 and HB 5360:

Jeff Kirkpatrick, Michigan Court Officers – support  
Tim Sutherland, Deputy Sheriffs Association – support

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HB 5359, HB 4924 and HB 5360:

Tim Sutherland, Process Servers Association - support

The Chairman invited Rep. Chang to give an overview of HB 5815 to the committee.

The Chairman read the cards of those individuals not wishing to testify before the committee regarding HB 5815:

John Shea, Criminal Defense Attorneys of Michigan – support  
Marla Mitchell, Cooley Innocence Project – support  
Laura Sager, Citizens Alliance on Prisons and Public Spending – support

The Chairman gave a brief overview of HB 5520 to the committee.

The Chairman made a motion to report HB 5842 to the floor with recommendation that it pass. The vote was as follows:

Yeas: Chairman Jones, Sen.(s) Schuitmaker, Colbeck and Bieda  
Nays: None  
Pass: Sen. Rocca  
The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5842. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5843 to the floor with recommendation that it pass. The vote was as follows:

Yeas: Chairman Jones, Sen.(s) Schuitmaker, Colbeck and Bieda  
Nays: None  
Pass: Sen. Rocca  
The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5843. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5844 to the floor with recommendation that it pass. The vote was as follows:

Yeas: Chairman Jones, Sen.(s) Schuitmaker, Colbeck and Bieda  
Nays: None  
Pass: Sen. Rocca  
The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5844. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5845 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

Pass: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5845. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5846 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

Pass: Sen. Rocca

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5846. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5838 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5838. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5839 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5839. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5790 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5790. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5422 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5422. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5288 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5288. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5289 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5289. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5359 to the floor with recommendation that it pass. The vote was as follows:

Yeas: Chairman Jones, and Sen. Bieda

Nays: Sen. Colbeck

Pass: Sen.(s) Schuitmaker, Rocca

The motion failed and the bill was not reported.

The Chairman made a motion to reconsider the vote in which HB 5359 failed. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reconsidered.

The Chairman made a motion to report HB 5815 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5815. Without objection, immediate effect was recommended.

The Chairman made a motion to report HB 5520 to the floor with recommendation that it pass. The vote was as follows:

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

Nays: None

The motion prevailed and the bill was reported.

The Chairman made a motion to recommend immediate effect for HB 5520. Without objection, immediate effect was recommended.

There being no further business before the committee, the Chairman moved to adjourn the committee. Without objection, the committee was adjourned at 2:12 p.m.

Date Adopted by Committee: