



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

915 FARNUM
P.O. BOX 30036
LANSING, MICHIGAN 48909-7536
PHONE: (517) 373-3447
FAX: (517) 373-5849

Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, October 18, 2011 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, Bieda
Members excused: none

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

SB 596	Sen. Kahn	Crimes; criminal sexual conduct; age of consent for sexual contact between school employee and student; revise.
SB 755	Sen. Jones	Crimes; criminal sexual conduct; reference to fourth degree criminal sexual conduct; amend to reflect change.
SB 726	Sen. Jones	Criminal procedure; statute of limitations; statute of limitations for attempted murder, kidnapping, and manslaughter; revise.
SB 727	Sen. Booher	Courts; circuit court; requirement for circuit court to consent to appointment of assistant prosecutor by prosecuting attorney in certain cases; eliminate.
SB 728	Sen. Booher	Courts; circuit court; requirement for circuit court to consent to appointment of assistant prosecutor by the prosecutor in certain cases; eliminate.

Senator Schuitmaker moved to adopt the minutes from October 11, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bills 596 (Sen. Kahn) and Senate Bill 755 (Sen. Jones). Senator Jones explained the bills and substitute for Senate Bill 596 to committee members. Jon Cool, Chief of Staff for Senator Kahn, offered additional explanation.

The following persons testified and answered questions on Senate Bills 596 and 755:

- Mike Thomas, Saginaw County Prosecutor and representing the Prosecuting Attorneys Association of Michigan—Support
- Ron Schafer, Ionia County Prosecutor and representing the Prosecuting Attorneys Association of Michigan—Support

The following persons submitted cards, but did not testify, on Senate Bills 596 and 755:

- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Oppose
- Shelli Weisburg, representing the American Civil Liberties Union of Michigan—Oppose
- Stephanie Johnson, representing the Michigan Coalition Against Domestic and Sexual Violence—Support

Senator Schuitmaker moved to adopt the S-1 Substitute to Senate Bill 596. 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that Senate Bill 596 (S-1) 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 596. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Rocca moved that Senate Bill 755 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Rocca moved to recommend immediate effect for Senate Bill 755. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 726 (Sen. Jones). Senator Jones explained the bill and substitute to committee members.

The following persons testified and answered questions on Senate Bill 726:

- Shawn D’Annunzio, mother of Brandon D’Annunzio, victim—Support
- Stuart Dunnings, Ingham County Prosecutor—Support

The following persons submitted cards, but did not testify, on Senate Bill 726:

- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Neutral (continuing work with Prosecuting Attorneys Association)

Senator Schuitmaker moved to adopt the S-1 Substitute to Senate Bill 726. 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that Senate Bill 726 (S-1) 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 726. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones recessed the committee at 3:13 p.m.

Senator Jones reconvened the committee at 3:14 p.m.

Senator Jones placed before the committee Senate Bill 727 and 728 (Sen. Booher). Senator Booher explained the bill to committee members.

The following persons testified and answered questions on Senate Bills 727 and 728:

- Ron Schafer, Ionia County Prosecutor and representing the Prosecuting Attorneys Association—Support

Senator Bieda moved that Senate Bill 727 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 727. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved that Senate Bill 728 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: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 728. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 3:20 p.m.

10/25/11

Date Approved by Committee

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