



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

A meeting of the Senate Committee on Judiciary was held on Tuesday, December 4, 2012 at 3:00 p.m. in Room 402/403 of the Capitol Building.

The meeting was called to order at 3:58 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, Bieda
Members excused: None

Senator Jones called the meeting to order.

Senator Jones announced the following agenda for the committee:

Approval of Minutes

- | | | |
|---------|---|---|
| SB 1357 | Sen. Jones | Criminal procedure; sentencing guidelines; sentencing guidelines for violations to certain work release regulations; enact. |
| HB 5282 | Rep. Rendon | Weapons; other; transportation of firearms for lawful purpose; expand. |
| HB 5600 | Rep. Haveman
clarify eligibility. | Juveniles; criminal procedure; set-aside convictions for juvenile adjudications; |
| HB 4591 | Rep. Foster
licensed out of state. | Weapons; other; no-carry zone violations; require compliance by individuals |
| HB 4263 | Rep. O'Brien
modify. | Housing; landlord and tenants; requirement for lawful reentry by landlord; |
| HB 5843 | Rep. Graves | Crimes; other; organized retail crime act; create. |
| HB 4998 | Rep. Heise | Civil procedure; evictions; court procedures; make miscellaneous revisions. |
| HB 5692 | Rep. Walsh
for increased penalties. | Crimes; arson; certain arson violations; revise elements of crimes and provide |
| HB 5693 | Rep. Cotter
for increased penalties. | Crimes; arson; certain arson violations; revise elements of crimes and provide |

HB 5694 Rep. Graves Crimes; arson; certain arson violations; revise elements of crimes and provide for increased penalties.

HB 5695 Rep. Oakes Criminal procedure; sentencing guidelines; sentencing guidelines for certain arson violations; enact.

Senator Jones announced that House Bill 5902 (Rep. Graves), a companion bill to House Bill 5843, was being added to the agenda after being re-referred to the committee in the morning's session.

Senator Schuitmaker moved to adopt the minutes from November 27, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 1357 (Sen. Jones). Senator Jones announced that there was a substitute for consideration. Senator Jones explained the bill and substitute to committee members and answered questions.

Senator Jones moved to adopt the S-1 Substitute to Senate Bill 1357. 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, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Rocca (1)

Senator Jones moved that Senate Bill 1357 (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, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Rocca (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 1357 (S-1) be given immediate effect by unanimous consent.

Senator Rocca entered the committee room at 4:01 p.m.

Senator Jones placed before the committee House Bill 5282 (Rep. Rendon). Janelle Theisen, staff to Representative Rendon, explained the bill to committee members and answered questions.

Senator Schuitmaker moved that House Bill 5282 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)

Absent: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5282 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 5600 (Rep. Haveman). Senator Jones announced that there was a substitute for consideration. Rami Haddad, staff to Rep. Haveman, explained the bill and substitute to committee members and answered questions.

The following persons testified on House Bill 5600 and answered questions from committee members:

- Bill Kandler, Michigan Probate Judges Association—Support

The following persons submitted testimony cards but did not wish to speak on House Bill 5600:

- KC Steckelberg, Prosecuting Attorneys Association—Support
- Michelle Weemhoff, Michigan Council on Crime & Delinquency—Support
- Peter Cunningham, State Bar of Michigan—Support
- Noah Smith, Criminal Defense Attorneys of Michigan—Support
- Sharon Denniston, Juvenile Advocate—Support

Senator Schuitmaker moved to adopt the S-1 Substitute to House Bill 5600. 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)

Absent: none (0)

Senator Jones moved that House Bill 5600 (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)

Absent: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5600 (S-1) be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4591 (Rep. Foster). Senator Jones announced that there was a substitute for consideration. DDD explained the bill and substitute to committee members and answered questions.

Senator Bieda moved to adopt the S-2 Substitute to House Bill 4591. 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)

Absent: none (0)

Senator Bieda moved that House Bill 4591 (S-2) 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)
Absent: none (0)

Senator Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4591 (S-2) be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4263 (Rep. O'Brien). Derek Robinson, staff to Representative O'Brien, explained the bill to committee members and answered questions. Senator Jones offered and explained his amendment to the bill.

The following persons testified on House Bill 4263 and answered questions from committee members:

- I. Matthew Miller, Property Management Association of Michigan—Support

The following persons submitted testimony cards but did not wish to speak on House Bill 4263:

- Joyce Brighton, PMA Mid-Michigan—Support
- Lisa Bond, citizen—Support
- Jeff Barnum, Edward Rose and Sons—Support
- Sandy Dennis, First Housing Corp—Support
- Jessica Wressel, Phoenix Properties—Support
- Tabitha Zimny, Apartment Association of Michigan—Support
- Tabitha Zimny, Rental Property Owners Association of Michigan—Support
- Terri Neely, Valley Ranch Apartments—Support
- Kathy Monendo, Woodstone Apartment—Support
- Miriam Livingston, Village Green—Support
- Charity Henkelman, PMA-West Michigan—Support
- Lisa Willcutt, Phoenix Properties—Support
- Alan Sylvester, Phoenix Properties—Support
- Brenda Wolthuis, Phoenix Properties—Support
- Tara Ampey, Alpine Village Apartments—Support
- Morgan Pomeroy, Danford Creek Apartments—Support
- Lisa Weaver, Centre Meadows Apartments—Support
- Jamee Vander Molen, Kellogg Core Apartments—Support
- Wendy Podd, Maple Brooke Apartments—Support
- Ashley Vaughn, New Towne Terrance & Ramblewood Apartments—Support
- Christine Carson, Oldebrook Apartments—Support
- Jennifer Harley, Associated Management Company—Support
- Billie Mason-Smith, Studio One Apartments—Support
- Illya Hudson, Studio One Apartments—Support

Senator Schuitmaker moved to adopt Amendment #1 to House Bill 4263. 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)
Absent: none (0)

Senator Bieda moved that House Bill 4263 as amended 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)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4263 as amended be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5843 and 5902 (Rep. Graves). Matt Sowash, staff to Representative Graves, explained the bills to committee members and answered questions. Senator Jones offered and explained his amendment to House Bill 5843.

The following persons testified on House Bills 5843 & 5902 and answered questions from committee members:

- Bill Hallan, Michigan Retailers Association—Support
- John Shuler, Target—Support

The following persons submitted testimony cards but did not wish to speak on House Bill 5843 & 5902:

- KC Steckelberg, Prosecuting Attorneys Association of Michigan—Support
- Sgt. Dwayne Gill, Michigan State Police—Support

Senator Jones moved to adopt Amendment #1 to House Bill 5843. 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)

Absent: none (0)

Senator Bieda moved that House Bill 5843 as amended 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)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5843 as amended be given immediate effect by unanimous consent.

Senator Schuitmaker moved that House Bill 5902 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)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5902 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5692-5695 (Reps. Walsh, Cotter, Graves, and Oakes). Valery Knoll, staff to Representative Walsh, explained the bill package to committee members and answered questions.

The following persons testified on House Bills 5692-5695 and answered questions from committee members:

- Rob Moran, Wayne County Prosecuting Attorney's Office--Support

Senator Jones moved that House Bill 5692 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)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5692 be given immediate effect by unanimous consent.

Senator Schuitmaker moved that House Bill 5693 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)

Absent: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5693 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5694 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)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5694 be given immediate effect by unanimous consent.

Senator Schuitmaker moved that House Bill 5695 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)

Absent: none (0)

Senator Schuitmaker moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5695 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4998 (Rep. Heise). Rep. Heise explained the bill to committee members and answered questions.

The following persons testified on House Bill 4998 and answered questions from committee members:

- I. Matthew Miller, Property Management Association of Michigan—Support
- Dan Hibma, Land & Company—Support
- Don Passenger, Michigan District Judges Association—Oppose

The following persons submitted testimony cards but did not wish to speak on House Bill 4998:

- Judy Petterly, Stadium Drive—Support
- Denise Runge, Evergreen South—Support
- Brenda Frick, Evergreen North—Support
- Paula Duncan, Friendship Manor—Support
- Joyce Brighton, PMA Mid-Michigan—Support
- Lisa Bond, citizen—Support
- Jeff Barnum, Edward Rose and Sons—Support
- Sandy Dennis, First Housing Corp—Support
- Jessica Wressel, Phoenix Properties—Support
- Terri Neely, Valley Ranch Apartments—Support
- Kathy Monendo, Woodstone Apartment—Support
- Miriam Livingston, Village Green—Support
- Charity Henkelman, PMA-West Michigan—Support
- Lisa Willcutt, Phoenix Properties—Support
- Alan Sylvester, Phoenix Properties—Support
- Brenda Wolthuis, Phoenix Properties—Support
- Tara Ampey, Alpine Village Apartments—Support
- Morgan Pomeroy, Danford Creek Apartments—Support
- Lisa Weaver, Centre Meadows Apartments—Support
- Jamee Vander Molen, Kellogg Core Apartments—Support
- Wendy Podd, Maple Brooke Apartments—Support
- Ashley Vaughn, New Towne Terrance & Ramblewood Apartments—Support
- Christine Carson, Oldebrook Apartments—Support
- Jennifer Harley, Associated Management Company—Support
- Billie Mason-Smith, Studio One Apartments—Support
- Illya Hudson, Studio One Apartments—Support
- Deann Eno, Capitol Commons—Support
- Crystal Brewer, Serenity Place—Support
- Michael Ramsey, MCODSA—Oppose
- Matthew Schneider, Michigan Supreme Court/SCAO—Oppose unless amended
- Peter Cunningham, State Bar of Michigan—Oppose

Senator Jones announced that the bill would be testimony only and that further action will be taken on it at an additional committee, giving interested parties a chance to work out issues.

Senator Jones adjourned the committee without objection at 4:39 p.m.

Date Approved by Committee: December 5, 2012

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