



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
Minutes

A meeting of the Senate Committee on Judiciary was held on Tuesday, November 5, 2013, at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:34 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 4064 (Heise) – Courts; records; digital Court records and electronically filing court papers;
- HB 4532 (Price) – Courts; Records; digital court records and electronically filing court papers
- HB 4694 (Rep. Cotter) – Courts; circuit court; mental health court; create.
- HB 4695 (Rep. Haines) – Courts; circuit court; mental health court; create.
- HB 4696 (Rep. Walsh) – Courts; circuit court; mental health court; create.
- HB 4697 (Rep. O'Brien) – Courts; circuit court; mental health court; create.
- HB 4770 (Rep. Lipton) – Law enforcement; reports; requirements for gaining access to motor vehicle accident reports within 30 days of the report being filed; establish, and provide penalties for noncompliance.
- HB 4771 (Rep. Graves) – Crimes; other; intentionally contacting individual who has sustained personal injury or family member of that individual with direct solicitation to provide service; prohibit under certain circumstances and provide a penalty.
- HB 5020 (Rep. Jenkins) – Courts; other; DWI/sobriety court interlock pilot project; eliminate sunset.
- HB 5021 (Rep. Lauwers) – Courts; other; DWI/sobriety court interlock pilot project; eliminate sunset.
- SB 637 (Sen. Schuitmaker) – Crimes; intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state.

- SB 638 (Sen. Schuitmaker) – Criminal procedure; sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise.
- SB 639 (Sen. Schuitmaker) – Businesses; other; ignition interlock servicing center to be included within the definition of motor vehicle repair facility; revise motor vehicle service and repair act to provide.

Senator Schuitmaker moved to adopt the minutes from October 29, 2013 with unanimous consent. Without objection, the minutes were adopted.

The Chairman called on Senator Schuitmaker to explain Senate Bill 637, Senate Bill 638, and Senate Bill 639. The Senator then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning Senate Bill 637, Senate Bill 638, and Senate Bill 639:

- Dave Richmond, Secretary of State – Support

The following people submitted testimony cards but did not wish to speak concerning Senate Bill 637:

- Harvey Hoffman, Michigan Association of Drug Court Professionals' (MADCP) – Support

Senator Schuitmaker moved to adopt the S-1 substitute to Senate Bill 637. 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 Senate Bill 637 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 Senate Bill 637 be given immediate effect by unanimous consent.

Senator Jones moved that Senate Bill 638 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 Senate Bill 638 be given immediate effect by unanimous consent.

Senator Schuitmaker moved that Senate Bill 639 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 Senate Bill 639 be given immediate effect by unanimous consent.

The Chairman called forward Representative Heise to explain House Bill 4064 and House Bill 4532. The Representative then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning House Bill 4064 and House Bill 4532:

- Pat Clawson, Citizen – Oppose
- Michael Buckles, Michigan Creditors Bar Association – Oppose

The following people submitted testimony cards but did not wish to speak concerning House Bill 4064 and House Bill 4532:

- Phil Hoffman, Universal Holding Co. and American Fidelity Insurance Co. – Oppose
- Cami Pendell, Michigan Judges Association – Oppose
- Joe Baumann, State Court Administrative Office (SCAO) – Support
- Nell Kuhnmuensch, Michigan District Judges Association – Support (HB 4064 only)
- Peter Cunningham, State Bar of Michigan – Support

Senator Jones moved to adopt the S-3 substitute to House Bill 4064. 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 4064 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, Rocca, Bieda (3/4)

Nays: (0)

Pass: Senator Schuitmaker (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4064 be given immediate effect by unanimous consent.

Senator Jones moved to adopt the S-1 substitute to House Bill 4532. 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 4532 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, Rocca, Bieda (3/4)

Nays: (0)

Pass: Senator Schuitmaker (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4532 be given immediate effect by unanimous consent.

The Chairman called on Representative Lauwers, accompanied by Judge Hoffman, to explain House Bill 5020 and House Bill 5021. The Representative then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning House Bill 5020 and House Bill 5021:

- Dave Richmond, Secretary of State – Neutral

The following people submitted testimony cards but did not wish to speak concerning House Bill 5020 and House Bill 5021:

- Mike Penty, Prosecuting Attorneys Association of Michigan – Support
- Nell Kuhnmuensch, Michigan District Judges Association – Support
- Mark Gator, SCAO – Support

Senator Schuitmaker moved that House Bill 5020 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5020 be given immediate effect by unanimous consent.

Senator Schuitmaker moved that House Bill 5021 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 the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5021 be given immediate effect by unanimous consent.

The Chairman called on Neal Bishop, of Representative Haines office, to explain House Bill 4694, House Bill 4695, House Bill 4696, and House Bill 4697, as well as substitutes to the bills. Mr. Bishop then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning House Bill 4694, House Bill 4695, House Bill 4696, and House Bill 4697:

- Jessica Parks, SCAO – Support
- Pat Clawson, Citizen – Oppose

The following people submitted testimony cards but did not wish to speak concerning House Bill 4694, House Bill 4695, House Bill 4696, and House Bill 4697:

- Nell Kuhnmuensch, Michigan District Judges Association – Support
- Peter Cunningham, State Bar of Michigan – Support
- Harvey Hoffman, MADCP – Support
- Mark Reinstein, Mental Health Association in Michigan – Support
- Chris Rodriguez, Michigan Protection and Advocacy Service – Support
- Noah Smith, National Association of Social Workers – Support
- John Shea, Criminal Defense Attorneys of Michigan – Support

Senator Jones moved to adopt the S-1 substitute to House Bill 4694. 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 4694 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4694 be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the S-1 substitute to House Bill 4695. 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 4695 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4695 be given immediate effect by unanimous consent.

Senator Jones moved to adopt the S-1 substitute to House Bill 4696. 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 4694 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4696 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 4697 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4697 be given immediate effect by unanimous consent.

The Chairman called forward Matt Sowash, of Representative Graves' office, to explain House Bill 4770 and House Bill 4771, as well as substitutes to the bills. Mr. Sowash then answered questions for committee members.

The following people testified concerning House Bill 4770 and House Bill 4771:

- Steven Matz, Matz and Pietsch – Oppose

Senator Bieda offered an amendment to the S-1 substitute to House Bill 4770 and the S-1 substitute to House Bill 4771.

Senator Bieda moved to adopt the Bieda amendment to the S-1 substitute to House Bill 4770. The motion failed by a vote of the majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senator Bieda (1/4)

Nays: Senators Jones, Schuitmaker, Rocca (3/4)

Pass: none (0)

Excused: none (0)

Senator Jones moved to adopt the S-1 substitute to House Bill 4770. 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 (3/4)

Nays: Bieda (1/4)
Pass: none (0)
Excused: Senator (0)

Senator Jones moved that House Bill 4770 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: Bieda (1/4)
Pass: none (0)
Excused: Senator (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4770 be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the Bieda amendment to the S-1 substitute to House Bill 4771. The motion failed by a vote of the majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senator Bieda (1/4)
Nays: Senators Jones, Schuitmaker, Rocca (3/4)
Pass: none (0)
Excused: none (0)

Senator Jones moved to adopt the S-1 substitute to House Bill 4771. 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 4771 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: Bieda (1/4)
Pass: none (0)
Excused: Senator (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4771 be given immediate effect by unanimous consent.

With no further business before the committee, Senator Jones adjourned the committee without objection at 3:39 p.m.

Date Approved by Committee: November 12, 2013

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