



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
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Senate Committee on Judiciary
Minutes

A meeting of the Senate Committee on Judiciary was held on Tuesday, December 3, 2013, 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 and Bieda
Members excused: None

Senator Jones called the meeting to order and announced the order of business for the meeting:

- SB 557 (Sen. Schuitmaker) – Mental health; other; certain state funds to be used to provide mental health services; allow.
- SB 558 (Sen. Schuitmaker) – Mental health; other; program to divert persons with serious mental illness from justice system to treatment; establish.
- HB 4133 (Rep. Johnson) – Weapons; licensing; waiver for certain individuals to carry weapon in weapon-free zones; expand to include certain retired corrections officers.
- HB 4134 (Rep. Foster) – Weapons; other; waiver of no-carry zone and certain educational requirements; provide for certain law enforcement and military officials.
- HB 4350 (Rep. Leonard) – Weapons; other; waiver for certain individuals to carry weapon in weapon-free zones; expand to include prosecutors.
- HB 4889 (Rep. McBroom) – Criminal procedure; sentencing guidelines; penalties for certain controlled substance offenses involving travel from another state with the intent to deliver; increase.

Senator Schuitmaker moved to adopt the minutes from November 12, 2013 with unanimous consent. Without objection, the minutes were adopted.

The Chairman called on Lt. Governor Brian Calley forward to explain Senate Bill 557 and Senate Bill 558. Lt. Governor Calley then answered questions for committee members.

The following people submitted testimony cards but did not wish to speak concerning Senate Bill 557 and Senate Bill 558:

- Jerry Griffin, Wayne County – Support
- Jane Shank, Association for Children’s Mental Health – Support
- Linda Burghardt, National Alliance on Mental Health – Support
- Susan McParland, Michigan Association for Children with Emotional Disorders – Support
- Mark Reinstein, Mental Health Association in Michigan – Support
- Ben Bodkin, Michigan Association of Counties (MAC, SB 557 only) – Support
- Ben Bodkin, MAC (SB 558 only) – Neutral

Senator Jones moved that Senate Bill 557 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 557 be given immediate effect by unanimous consent.

Senator Bieda moved that the committee adopt the S-2 substitute to Senate Bill 558. 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 Bieda moved that Senate Bill 558 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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 558 be given immediate effect by unanimous consent.

The Chairman invited Ben Frederick, of Representative Johnson’s office, and State Correction Officer Ron Solmes to explain House Bill 4133. Mr. Frederick and Mr. Solmes then answered questions for committee members.

The Chairman invited Jason Puscas, of Representative Fosters's office, to explain House Bill 4134 and answer questions for committee members.

The Chairman invited Phil Goodrich, of Representative Leonards's office, and Vic Fitz, of the Prosecuting Attorney's Association of Michigan, to explain House Bill 4350. Mr. Goodrich and Mr. Fitz then answered questions for committee members.

The following people submitted testimony cards wishing to speak concerning House Bill 4133, House Bill 4134, and House Bill 4350:

- Phillip Hofmeister, Michigan Open Carry, Inc. – Oppose
- Jeremy Tripp, Michigan Corrections Organization (HB 4133 only) – Support

The following people submitted testimony cards but did not wish to speak concerning House Bill 4133, House Bill 4134, and House Bill 4350:

- Sgt. Dwayne Gill, Michigan State Police (HB 4134 and HB 4350 only) – Support
- Sgt. Dwayne Gill, Michigan State Police (HB 4133 only) – Neutral
- David Zuhlke, Middle Cities Education Association – Oppose
- Emily Laidlaw, Michigan Association of School Administrators and Michigan Association of Intermediate School Administrators – Oppose
- Jerry Johnson, Genesee Intermediate School District – Oppose
- Kathleen Merry, Wayne RESA – Oppose
- Jessica Peterson, Michigan Department of Corrections – Neutral

Senator Jones moved that House Bill 4133 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: (0)

Pass: Rocca (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4133 be given immediate effect by unanimous consent.

Senator Jones moved that the committee adopt an amendment to the S-1 substitute to House Bill 4134. 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 that the committee adopt the S-1 substitute as amended to House Bill 4134. 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 that House Bill 4134 be reported out of committee with the recommendation that the bill then pass. Senator Jones also requested a clean substitute for the amended S-1 substitute. 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: (0)

Pass: Rocca (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4134 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 4350 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: (0)

Pass: Rocca (1/4)

Excused: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4350 be given immediate effect by unanimous consent.

The Chairman invited Paul Burns, of Representative McBroom's office, Menominee City Chief of Police Brett Botbyl, and Menominee County Sherriff Kenny Marks forward to explain House Bill 4889, as well as answer questions for committee members.

Senator Bieda moved that House Bill 4889 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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4889 be given immediate effect by unanimous consent.

With no further business before the committee, Senator Jones adjourned the committee without objection at 3:19 p.m.

Date Approved by Committee: December 10, 2013

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