



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, February 4, 2020

9:00 AM

Room 519, House Office Building

The House Standing Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Absent/Excused: Reps. Elder, Yancey.

Representative Howell moved to adopt the meeting minutes from January 28, 2020. There being no objection, the motion prevailed by unanimous consent.

Representative Bolden moved to excuse Representatives Elder and Yancey from the meeting. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265 before the committee:

HB 4254

(Rep. Wozniak) A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the heading of chapter XXA and by adding section 145s.

HB 4255

(Rep. Filler) A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2014 PA 72.

- HB 4256 (Rep. Bolden) A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20173a and 21313 (MCL 333.20173a and 333.21313), section 20173a as amended by 2017 PA 167 and section 21313 as amended by 2012 PA 51.
- HB 4257 (Rep. Crawford) A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 13, 31, and 34b (MCL 400.713, 400.731, and 400.734b), section 13 as amended by 2012 PA 52, section 31 as amended by 1994 PA 150, and section 34b as amended by 2014 PA 73.
- HB 4258 (Rep. Yancey) A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2802 (MCL 700.2802), as amended by 2012 PA 173.
- HB 4259 (Rep. Guerra) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2012 PA 169.
- HB 4260 (Rep. Anthony) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2013 PA 34.
- HB 4265 (Rep. Farrington) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2017 PA 74.

Representative Wozniak and Representative Anthony testified in support of HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265. Questions and discussion followed.

The following people submitted a card with a neutral position on HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265, but did not wish to speak:

David Worthams, representing the Michigan Bankers Association.

The following people submitted a card in support of HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265, but did not wish to speak:

Todd Tennis, representing the Elder Law and Disability Rights Section of the State Bar of Michigan.

Rebecca Mastee, representing the Michigan Catholic Conference.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.
Ryan Cowmeadow, representing the Area Agency on Aging.
Patty Tremblay, representing the Michigan County Social Services Association.
Chardae Burton, representing the Michigan Department of Health and Human Services.
Ron Tatro, representing the Elder Law of Michigan.
Jean Doss for Alison Hirschel, representing the Michigan Elder Justice Initiative.

The Chair laid SB 253 before the committee:

SB 253 (Sen. Lucido) A bill to amend 1846 RS 81, entitled "Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action," by amending section 2 (MCL 566.132), as amended by 1992 PA 245.

Justin Carpenter, representing Senator Lucido, and Brian Westrin, representing the Michigan Realtors Association, testified in support of SB 253. Questions and discussion followed.

The Chair laid HB 5148 and HB 5149 before the committee:

HB 5148 (Rep. Carter) A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 55 of chapter X (MCL 710.55), as amended by 2016 PA 481.

HB 5149 (Rep. Wozniak) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136c (MCL 750.136c), as amended by 2016 PA 482.

Representative Farrington moved to report out HB 5148 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

Representative Berman moved to report out HB 5149 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 4923 and HB 4924 before the committee:

HB 4923	(Rep. Lilly) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16u of chapter XVII (MCL 777.16u), as amended by 2000 PA 279.
HB 4924	(Rep. Anthony) A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 421d.

The following people submitted a card in support of HB 4923 and HB 4924, but did not wish to speak:

Tiffany Hauser, representing the AAA Michigan.

Representative Howell moved to report out HB 4923 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

Representative Rendon moved to adopt substitute (H-1) to HB 4924. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

Representative LaFave offered the following amendment to HB 4924 (H-1):

1. Amend page 2, following line 23, by inserting:

"(5) This section does not apply to a person who installs a motor vehicle airbag used solely for research and development of airbag technology on motor vehicles that will not be driven on public roadways." and renumbering the remaining subsection.

Representative LaFave moved to adopt the amendment to HB 4924 (H-1). The motion prevailed 9-2-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand.

Nays: Reps. Guerra, Bolden.

Pass: None.

Representative LaGrand offered the following amendment to HB 4924 (H-1):

1. Amend page 2, line 1, after "that" by striking out "causes" and inserting "the person knows will cause".

Representative LaGrand moved to adopt the amendment to HB 4924 (H-1). The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report HB 4924 as amended, as substitute (H-2). The motion prevailed 11-0-0:

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 5164 before the committee:

HB 5164 (Rep. Lilly) A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending sections 907, 943, 945, and 947 (MCL 339.5907, 339.5943, 339.5945, and 339.5947) and by adding section 946.

The following people submitted a card with a support of HB 5164, but did not wish to speak:

Marnie Wills, representing the Michigan Department of Licensing and Regulatory Affairs.

Cathy Wilson, representing the Consumers Energy.

Representative Berman moved to adopt substitute (H-2) to HB 5164. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

Representative Steven Johnson moved to adopt substitute (H-3) to HB 5164. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Bolden.

Nays: None.

Pass: None.

At 9:36 AM, the Chair laid the committee at ease.

At 9:40 AM, the Chair called the committee back to order.

Representative Steven Johnson offered the following amendment to HB 5164 (H-3):

1. Amend page 5, line 23, after "than" by striking out the balance of the line through "both." on line 24 and inserting "\$5,000.00".

Representative Steven Johnson moved to adopt the amendment to HB 5164 (H-3). The motion did not prevail 3-3-5:

UNFAVORABLE ROLL CALL

Yeas: Reps. Howell, Steven Johnson, LaGrand.

Nays: Reps. Filler, Farrington, Rendon.

Pass: Reps. LaFave, Berman, Wozniak, Guerra, Bolden.

At 9:42 AM, the Chair laid the committee at ease.

At 9:48 AM, the Chair called the committee back to order.

Representative LaGrand offered the following amendments to HB 5164 (H-3):

1. Amend page 5, line 14, after "not" by inserting "knowingly or intentionally".
2. Amend page 5, line 17, after "not" by inserting "knowingly or intentionally".

Representative LaGrand moved to adopt the amendments to HB 5164 (H-3). The motion did not prevail 5-2-4:

UNFAVORABLE ROLL CALL

Yeas: Reps. Howell, Steven Johnson, Berman, LaGrand, Guerra.

Nays: Reps. Filler, Wozniak.

Pass: Reps. LaFave, Farrington, Rendon, Bolden.

Representative LaFave moved to report out HB 5164 with recommendation, as substitute (H-3).
The motion prevailed 10-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak,
Guerra, Bolden.

Nays: None.

Pass: Rep. LaGrand.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting
at 9:50 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov