



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

Minutes of the House Standing Committee
On
Criminal Justice

Wednesday, June 4, 2014

10:30 a.m.

327 House Office Building

The House Standing Committee on Criminal Justice was called to order by Representative Kurt Heise, Chair.

The Clerk called the roll; members present were **Representatives Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks. (11/11)**
The Clerk announced that a quorum was present.

The Chair laid before the committee the minutes of May 21, 2014 as printed.

Representative Kurtz moved to adopt the minutes of May 21, 2014 as printed. There being no objection, the motion prevailed by unanimous consent of the members present; the minutes were adopted as printed.

The Chair laid before the committee Senate Bills 535, 756, 563, and House Bills 5363, 5089, and 5090.

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| SB 535 | (Proos) | Criminal procedure; other; methamphetamine offenders registry; create, and require offenders to obtain a prescription to purchase ephedrine or pseudoephedrine products for a period of 10 years. |
| SB 756 | (Proos) | Crimes; other; selling or furnishing ephedrine or pseudoephedrine without a prescription to individual previously convicted of methamphetamine-related offense; prohibit under certain circumstances. |
| SB 563 | (Proos) | Criminal procedure; sentencing guidelines; sentencing guidelines for crime of purchasing or possessing ephedrine or pseudoephedrine knowing that it will be combined with any other quantity of ephedrine or pseudoephedrine for the purpose of manufacturing or attempting to manufacture methamphetamine; enact. |

- HB 5363 (Price)** Crimes; controlled substances; purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine; prohibit, and provide a penalty.
- HB 5089 (Genetski)** Crimes; controlled substances; purchasing or attempting to purchase ephedrine or pseudoephedrine knowing that it will be combined with any other quantity of ephedrine or pseudoephedrine for the purpose of manufacturing or attempting to manufacture methamphetamine; prohibit and provide a penalty.
- HB 5090 (Nesbitt)** Criminal procedure; sentencing guidelines; sentencing guidelines for crime of purchasing or attempting to purchase ephedrine or pseudoephedrine knowing that it will be combined with any other quantity of ephedrine or pseudoephedrine for the purpose of manufacturing or attempting to manufacture methamphetamine; enact.

Representative Genetski, bill sponsor of House Bill 5089, spoke on the need for the bill packages.

The following individuals submitted testimony cards in support of the bill packages, but did not wish to speak:

Sargent Amy Dehner, Legislative Liaison for the Department of State Police;
Ben Bodkin, representing the Michigan Sheriffs Association;
Chief Martin Underhill, Vice-President of the Michigan Association of Chiefs of Police;*
Amanda Lich, representing the Michigan Pharmacists Association; and
Michael Pendy, representing the Prosecuting Attorneys Association of Michigan.

*Michigan Association of Chiefs of Police submitted written testimony.

Christine Shearer, Director of Legislation for the Michigan Association of Health Plans, submitted testimony cards in support of Senate Bills 535, 563, and 756, and House Bill 5363, but did not wish to speak.

Representative Kurtz moved to report Senate Bill 535 without amendment and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (10/11)

Nays: None. (0)

The bill was referred to the full House.

Representative O'Brien offered and moved to adopt the following amendment to Senate Bill 756:

1. Amend page 3, line 23, after "ACT." by inserting "**THE NPLEX SYSTEM SHALL CONTAIN AN OVERRIDE FUNCTION THAT MAY BE USED BY A DISPENSER OF EPHEDRINE OR PSEUDOEPHEDRINE WHO HAS A REASONABLE FEAR OF IMMINENT BODILY HARM IF THE DISPENSER DOES NOT COMPLETE A SALE. EACH INSTANCE IN WHICH THE OVERRIDE FUNCTION IS UTILIZED SHALL BE LOGGED BY THE SYSTEM.**".

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (10/11)

Nays: None. (0)

The amendment was adopted.

Representative O'Brien moved to report Senate Bill 756 with recommendation that the amendment be adopted and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (10/11)

Nays: None. (0)

The bill and amendment were referred to the full House.

The Chair offered the substitute (H-1) for House Bill 5363.

Representative Kurtz moved to adopt the substitute (H-1) for House Bill 5363.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The substitute was adopted.

Representative Kesto moved to report House Bill 5363 with the recommendation that the substitute (H-1) be adopted and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The bill and substitute were referred to the full House.

The Chair offered the substitute (H-1) for Senate Bill 563.

Representative Callton moved to adopt the substitute (H-1) for Senate Bill 563.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The substitute was adopted.

Representative Callton moved to report Senate Bill 563 with the recommendation that the substitute (H-1) be adopted and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The bill and substitute were referred to the full House.

The Chair offered the substitute (H-1) for House Bill 5089.

Representative Kivela moved to adopt the substitute (H-1) for House Bill 5089.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The substitute was adopted.

Representative Kivela moved to report House Bill 5089 with the recommendation that the substitute (H-1) be adopted and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The bill and substitute were referred to the full House.

The Chair offered the substitute (H-2) for House Bill 5090.

Representative Graves moved to adopt the substitute (H-2) for House Bill 5090.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The substitute was adopted.

Representative Graves moved to report House Bill 5090 with the recommendation that the substitute (H-2) be adopted and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The bill and substitute were referred to the full House.

The Chair laid before the committee House Bill 5615.

HB 5615 (Kivela) Crimes; other; racketeering statute; include a provision regarding purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine.

Representative Kivela, the bill sponsor, explained the bill to committee members.

The following individuals submitted testimony cards in support of the bill, but didn't wish to speak:

Sargent Amy Dehner, Legislative Liaison for the Department of State Police;
Ben Bodkin, representing the Michigan Sheriffs Association;
Chief Martin Underhill, Vice-President of the Michigan Association of Chiefs of Police;
Amanda Lich, representing the Michigan Pharmacists Association; and
Michael Pendency, representing the Prosecuting Attorneys Association of Michigan.

Representative Kivela moved to report House Bill 5615 without amendment and 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: Representatives Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela, and Banks, (9/11)

Nays: Representative Robinson. (1/11)

The bill was referred to the full House.

The Chair laid before the committee House Resolution 382 and House Concurrent Resolution 32.

HR 382 (Roberts) A resolution to urge the Congress of the United States to approve President Obama's budget proposal to provide \$35 million to help communities process evidence from untested sexual assault kits.

HCR 32 (Roberts) A concurrent resolution to urge the Congress of the United States to approve President Obama's budget proposal to provide \$35 million to help communities process evidence from untested sexual assault kits.

Representative Roberts, the resolutions sponsor, explained the need for the resolutions. Following her explanation of the resolutions, Representative Roberts responded to questions from committee members.

The Chair offered the substitute (H-1) for House Resolution 382.

Representative Graves moved to adopt the substitute (H-1) for House Resolution 382.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (11/11)

Nays: None. (0)

The substitute was adopted.

Representative Graves moved to report House Resolution 382 with the recommendation that the substitute (H-2) be adopted and that the resolution be adopted.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (11/11)

Nays: None. (0)

The resolution and the substitute were referred to the full House.

The Chair offered the substitute (H-1) for House Concurrent Resolution 32.

Representative Graves moved to adopt the substitute (H-1) for House Concurrent Resolution 32.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (11/11)

Nays: None. (0)

The substitute was adopted.

Representative McBroom moved to report House Concurrent Resolution 32 with the recommendation that the substitute (H-2) be adopted and that the resolution be adopted. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela, and Banks, (11/11)

Nays: None. (0)

The resolution and the substitute were referred to the full House.

There being no other business before the committee; **Representative Kivela moved to adjourn the meeting.**

The motion prevailed by unanimous consent of the members present, the time being 11:00 a.m.

The Chair declared the Committee was adjourned.

Kurt Heise, Chair
House Standing Committee on Criminal Justice

Joy Brewer, Committee Clerk

Date approved by the committee