



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

MINUTES OF THE COMMITTEE
ON
CRIMINAL JUSTICE

Tuesday, June 16, 2015

9:00 a.m.

Room 327 House Office Building

The House Standing Committee on Criminal Justice was called to order by the Chair.

Members present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Members absent/excused: None.

Representative Webber moved to adopt the June 9, 2015, minutes. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4248 before the committee:

HB 4248 (Afendoulis) Crimes; other; provisions relating to the playing of "The Star-Spangled Banner", use of contemptuous language under certain circumstances, use of indecent language in presence of women and children, and improper disposal of refrigerator; repeal.

Substitute (H-1) was previously adopted on April 21, 2015.

Will Tyler White, representing the Libertarian Party of Michigan, testified in support of the bill.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Representative Webber moved to report HB 4248 with recommendation, as substitute (H-1). The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

The Chair laid HB 4249 before the committee:

HB 4249 (Webber) Crimes; trespassing; certain trespassing provisions; repeal.

Questions and discussion was held between the committee.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Representative Webber moved to report HB 4249 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4250 before the committee:

HB 4250 (VerHeulen) Recreation; athletics and sports; prohibition against certain endurance contests such as walkathons; repeal.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Representative Lucido moved to report HB 4250 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4137 before the committee:

HB 4137 (Howrylak) Criminal procedure; probation; fixing period and conditions of probation; modify.

Substitute (H-1) was previously adopted on May 26, 2015.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
Barbara Levine, representing the Citizens Alliance on Prisons and Public Spending.
DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Ben Bodkin, representing the Michigan Sheriffs Association, submitted a card with a neutral position on the bill, but did not wish to speak.

Representative Howrylak moved to report HB 4137 with recommendation, as substitute (H-1). The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4138 before the committee:

HB 4138 (Heise) Corrections; parole; criteria for placement on parole; modify.

The Chair explained the proposed substitute (H-4). Questions and discussion followed.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
Barbara Levine, representing the Citizens Alliance on Prisons and Public Spending.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

The following people submitted a card in opposition to the bill, but did not wish to speak:

DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.
Ben Bodkin, representing the Michigan Sheriffs Association.
Jordyn Salmon, representing the Conference of Western Wayne.

Representative Howrylak moved to adopt substitute (H-4) to HB 4138. The motion prevailed 7-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Hovey-Wright, Chang.
Nays: Rep. Guerra.
Pass: None.

Representative Howrylak moved to report HB 4138 with recommendation, as substitute (H-4). The motion prevailed 7-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Hovey-Wright, Chang.
Nays: Rep. Guerra.
Pass: None.

The Chair laid HB 4419 before the committee:

HB 4419 (Heise) Criminal procedure; sentencing; 2-year mandatory sentencing requirement for felony firearm conviction; eliminate.

Substitute (H-3) was previously adopted on June 9, 2015.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

Barbara Levine, representing the Citizens Alliance on Prisons and Public Spending.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

The following people submitted a card in opposition to the bill, but did not wish to speak:

DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.

Ben Bodkin, representing the Michigan Sheriffs Association.

Representative Lucido moved to report HB 4419 with recommendation, as substitute (H-3). The motion prevailed 7-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Hovey-Wright, Chang.

Nays: Rep. Guerra.

Pass: None.

The Chair laid HB 4420 before the committee:

HB 4420 (Gay-Dagnogo) Criminal procedure; sentencing guidelines; sentencing guidelines for crime of felony firearm; provide for.

Substitute (H-3) was previously adopted on June 9, 2015.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

Barbara Levine, representing the Citizens Alliance on Prisons and Public Spending.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

DJ Hilson, representing the Prosecuting Attorneys Association of Michigan, submitted a card in opposition to the bill, but did not wish to speak.

Representative Courser moved to report HB 4420 with recommendation, as substitute (H-3). The motion prevailed 7-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Hovey-Wright, Chang.

Nays: Rep. Guerra.

Pass: None.

The Chair laid HB 4709 before the committee:

HB 4709 (Bizon) Crimes; other; reference to "human monstrosity"; eliminate.

The Chair explained the bill before the committee.

Hassan Beydoun, representing the House Republican Policy Office, gave further explanation. Questions and discussion followed.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.

Representative Webber moved to report HB 4709 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

The Chair laid HB 4710 before the committee:

HB 4710 (LaFontaine) Recreation; state parks; penalty for violators related to camping on state-owned lands; modify.

Representative LaFontaine testified in support of her bill.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Representative Lucido moved to report HB 4710 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

The Chair laid HB 4711 before the committee;

HB 4711 (Webber) Criminal procedure; sentencing; provision related to alternative or combined penalties; modify, and repeal certain other provisions.

Hassan Beydoun, representing the House Republican Policy Office, explained the bill.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.

Representative Webber moved to report HB 4711 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4501 before the committee:

HB 4501 (Heise) Criminal procedure; sentencing guidelines; sentencing guidelines to reflect certain repealed crimes; revise.

The following people submitted a card in support of the bill, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.
DJ Hilson, representing the Prosecuting Attorneys Association of Michigan.

Representative Chang moved to report HB 4501 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid the committee at ease, the time being 9:34 a.m.

The Chair brought the committee back to order, the time being 9:41 a.m.

The Chair laid HB 4536 before the committee:

HB 4536 (Chang) Civil procedure; remedies; wrongful imprisonment for crime; provide compensation for.

Representative Chang and Senator Bieda testified in support of the bill. Questions and discussion followed.

David Moran, Valerie Newman, and Marla Mitchell-Cichon, all representing the University of Michigan and Cooley Innocence Project, testified in support of the bill. Questions and discussion followed.

Julie Baumer, representing herself as an exoneree, testified in support of the bill.

Kenneth Wyniemko, representing himself as an exoneree, testified in support of the bill. Questions and discussion followed.

Nancy Diehl, representing the University of Michigan and Cooley Innocence Project, testified in support of the bill. Questions and discussion followed.

William Proctor, representing Providing Innocence, testified in support of the bill. Questions and discussion followed.

The following people submitted a card in support of the bill, but did not wish to speak:

Shellie Weisberg, representing the American Civil Liberties Union of Michigan.
Rebecca Mastee, representing the Michigan Catholic Conference.

Representative Chang moved to report HB 4536 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

There being no further business before the committee, the Chair adjourned the meeting at 10:56 a.m.

Representative Kurt Heise, Chair _____
Angie Lake, Committee Clerk
House Criminal Justice Committee