



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY
REP. GRAHAM FILLER
CHAIR

COMMITTEE MEETING MINUTES

Thursday, December 17, 2020 9:00 AM Room 352, House Appropriations, State Capitol Building

The House 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, Elder, Yancey, Bolden.

Absent: None.

Excused: None.

Representative Howell moved to adopt the meeting minutes from December 16, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid SB 1046, SB 1047, SB 1048, SB 1049, SB 1050 and SB 1051 before the committee:

SB 1046 (Sen. Victory)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 9c and 9f of chapter IV (MCL 764.9c and 764.9f), section 9c of chapter IV as amended by 2001 PA 208 and section 9f of chapter IV as amended by 1999 PA 76.

SB 1047 (Sen. Irwin)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 1a, and 9e of chapter IV (MCL 764.1, 764.1a, and 764.9e), section 1 of chapter IV as amended by 2014 PA 389 and section 1a of chapter IV as amended by 2012 PA 177, and by adding section 10d to chapter II, sections 3 and 6f to chapter IV, and section 6e to chapter V.

SB 1048 (Sen. Santana)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 5, 31, and 34 (MCL 769.5, 769.31, and 769.34), section 5 of chapter IX as amended by 2015 PA 216, section 31 of chapter IX as amended by 2004 PA 220, and section 34 of chapter IX as amended by 2002 PA 666.

SB 1049 (Sen. Chang)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2019 PA 100.

SB 1050 (Sen. MacDonald)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2, 2a, 3, 4, and 4b of chapter XI (MCL 771.2, 771.2a, 771.3, 771.4, and 771.4b), section 2 of chapter XI as amended by 2017 PA 10, section 2a of chapter XI as amended by 2006 PA 507, section 3 of chapter XI as amended by 2012 PA 612, section 4 of chapter XI as amended by 1998 PA 520, and section 4b of chapter XI as added by 2017 PA 9.

SB 1051 (Sen. McBroom)

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2012 PA 623.

Representative Rendon moved to adopt substitute (H-1) to SB 1046. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Steven Johnson offered the following amendments to SB 1046 (H-1):

1. Amend page 3, following line 7, by inserting:

"(d) A person arrested for a serious misdemeanor.

(e) A person arrested for any other assaultive crime."

2. Amend page 3, line 13, after the second "a" by inserting "**serious misdemeanor, assaultive crime,**".

3. Amend page 5, following line 1, by inserting:

"(9) As used in this section:

(a) "Assaultive crime" means that term as defined in section 9a of chapter X.

(b) "Serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811."

Representative Steven Johnson moved to adopt the amendments to SB 1046 (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Steven Johnson moved to report SB 1046 as amended, as substitute (H-2). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

At 9:17 AM, the Chair laid the committee at ease.

At 9:19 AM, the Chair called the committee back to order.

Representative LaFave moved to adopt substitute (H-1) to SB 1047. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Howell moved to report out SB 1047 with recommendation, as substitute (H-1). The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Farrington.

At 9:20 AM, the Chair laid the committee at ease.

At 9:23 AM, the Chair called the committee back to order.

Representative Farrington moved to report out SB 1048 with recommendation. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Farrington.

Representative Berman offered the following amendments to SB 1049:

1. Amend page 2, line 27, by striking out all of subdivision (c) and relettering the remaining subdivisions.
2. Amend page 4, line 17, after "section" by striking out the colon and inserting a comma.
3. Amend page 4, line 18, by striking out "(a) "Listed offense"" and inserting **""listed offense""**.
4. Amend page 4, line 20, by striking out the balance of the bill.

Representative Berman moved to adopt the amendments to SB 1049. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. LaFave, Howell, Steven Johnson, Rendon, Berman.

Nays: Reps. Filler, Farrington, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Pass: None.

Representative Yancey moved to report out SB 1049 with recommendation. The motion prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Howell, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Reps. Farrington, Steven Johnson, Rendon, Berman, Wozniak.

Pass: None.

Representative Rendon moved to adopt substitute (H-1) to SB 1050. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

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

Nays: Rep. Berman.

Pass: None.

Representative Guerra offered the following amendments to SB 1050 (H-1):

1. Amend page 6, following line 3, by inserting:
**“(g) A listed offense.
(h) An offense for which a defense was asserted under section 36 of chapter VIII.
(i) A violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, or former section 462i or 462j of that act.”.**
2. Amend page 6, following line 29, by inserting:
“(15) As used in this section, "listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.”.

Representative Guerra moved to adopt the amendments to SB 1050 (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Guerra moved to report SB 1050 as amended, as substitute (H-2). The motion prevailed 11-0-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Howell, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Reps. Farrington, Berman.

Representative Guerra offered the following amendment to SB 1051:

1. Amend page 2, line 26, after "applicable" by inserting a comma and "**including, but not limited to, the safety needs of the victim or a request by the victim for protective conditions**".

Representative Guerra moved to adopt the amendment to SB 1051. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Berman.

Representative LaFave moved to report SB 1051 as amended, as substitute (H-1). The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Berman.

At 9:31 AM, the Chair laid the committee at ease.

At 9:37 AM, the Chair called the committee back to order.

There being no further business before the committee, Rep. Graham Filler adjourned the

meeting at 9:38 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
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PROPOSED