



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

915 FARNUM
P.O. BOX 30036
LANSING, MICHIGAN 48909-7536
PHONE: (517) 373-3447
FAX: (517) 373-5849

Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, May 24, 2011 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.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- | | | |
|---------|--------------|--|
| SB 320 | Sen. Jones | Children; protection; ex parte emergency removal order allowing the department of human services to take protective custody of a child; allow. |
| SB 361 | Sen. Bieda | Criminal procedure; DNA; deadline for filing petition for DNA testing of felony conviction cases; revise. |
| HB 4013 | Rep. LeBlanc | Law enforcement; other; possession and operation of electrical devices designed to temporarily incapacitate persons; allow for reserve peace officers, auxiliary officers, and reserve officers. |

Senator Jones placed before the committee Senate Bill 320 (Sen. Jones). Senator Jones testified in explanation of his bill. Senator Jones announced that due to concerns raised prior to the committee meeting, the bill would be up for testimony only as those concerns were worked out.

Senator Rocca entered the committee room at 2:33 p.m.

The following persons testified on Senate Bill 320 and submitted written testimony on file with clerk:

- Christopher Ratté, Leo Ratté, and Claire Zimmerman, citizens—Support
- Donald Duquette, representing the Child Advocacy Law Clinic at the University of Michigan Law School—Support

The following persons submitted cards, but did not wish to testify, on Senate Bill 320:

- Karyn Ferrick, representing the Department of Human Services—Supportive Conceptually
- Shelli Weisberg, representing the ACLU of Michigan—Support
- Bill Kandler, representing the Michigan Probate Judges Association—Oppose as currently written

Senator Jones placed before the committee Senate Bill 361 (Sen. Bieda). Senator Bieda explained the legislation to the committee members.

The following persons submitted cards, but did not wish to testify, on Senate Bill 361:

- Professor Donna McKneelen and Marla Mitchell-Cichon, representing the Cooley Innocence Project—Support (Organization submitted written testimony on file with clerk)
- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Support (Organization submitted written testimony on file with clerk)
- Shelli Weisberg, representing the ACLU of Michigan—Support
- Paul Nowinski, representing the Prosecuting Attorneys Association of Michigan—Support (Organization submitted written testimony on file with clerk)

Senator Schuitmaker moved that Senate Bill 361 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: none (0)

Pass: none (0)

Absent: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 361. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4013 (Rep. LeBlanc). Kevin Sylvester, representing Rep. LeBlanc, testified in explanation of his bill.

The following persons submitted cards, but did not wish to testify, on House Bill 4013:

- Chris Hawkins, representing the Michigan State Police—Support

Senator Bieda moved that House Bill 4013 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: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for House Bill 4013. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 3:11 p.m.

5/31/11

Date Approved by Committee

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