



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

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Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Wednesday, August 15, 2012 at 10:00 a.m. in the Senate Hearing Room of the Boji Tower.

The meeting was called to order at 10:05 a.m.

Members present: Senators Jones, Schuitmaker, Rocca, Bieda
Members excused: None

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

HB 4834	Rep. Haines	Health; medical marihuana; photograph on medical marihuana card; require.
HB 4851	Rep. Cavanagh	Health; medical marihuana; definition of "bona fide physician-patient relationship"; clarify.
HB 4853	Rep. McBroom	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of selling or providing medical marihuana to unprescribed user; implement.
HB 4856	Rep. Glardon	Crimes; other; transporting medical marihuana in motor vehicle; allow under certain circumstances.
HB 5225	Rep. Opsommer	Weapons; firearms; certain procedures for purchase and possession of pistols; revise.
HB 5498	Rep. LeBlanc	Criminal procedure; sentencing guidelines; sentencing guidelines for certain firearm violations; revise to reflect changes in substantive laws.
HB 5499	Rep. Franz	Crimes; weapons; certain procedures for purchase and possession of pistols; revise.
SB 1043	Sen. Nofs	Civil procedure; service of process; process server fees; revise, and allow fees for certain additional services.

SB 989 Sen. Hopgood Family law; child custody; granting of custody or parenting time for parent convicted of certain sexual offenses; prohibit.

Senator Bieda moved to adopt the minutes from July 26, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 989 (Sen. Hopgood) for testimony. Senator Hopgood and Kevin Sylvester, staff to Senator Hopgood, explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 989 and answered questions from committee members:

- Amy Carns, citizen—Support

The following persons submitted testimony cards but did not wish to speak on Senate Bill 989:

- Mary Lovik, representing the Michigan Domestic Violence and Sexual Assault Prevention and Treatment Board—Support in concept
- Kathy Hagiman, representing the Michigan Coalition to End Domestic and Sexual Violence—Support in concept
- Bill Kandler, representing the Family Law Section of the State Bar—Oppose (also submitted written testimony on file with the clerk)
- Bill Kandler, representing the Michigan Probate Judges Association—Oppose (also submitted written testimony on file with the clerk)

Senator Jones placed before the committee Senate Bill 1043 (Sen. Nofs) for testimony. Senator Jones announced that there was a substitute for consideration for the bill. Senator Nofs explained the bill and substitute to committee members and answered questions.

The following persons testified on Senate Bill 1043 and answered questions from committee members:

- Jeff Kirkpatrick, representing the Michigan Court Officers—Deputy Sheriffs Association—Support
- Larry Julian, representing the Michigan Council of Professional Investigators—Support
- Patrick Clawson, citizen—Support

The following persons submitted testimony cards but did not wish to speak on Senate Bill 1043:

- Phil Hoffman, representing the Michigan Court Officers—Deputy Sheriffs Association—Support
- Nell Kuhnmench, representing the Michigan District Judges Association—Support with modest technical amendment

Senator Jones entertained a motion to report Senate Bill 1179 with recommendation that the bill be referred to the Senate Committee on Appropriations. Senator Jones moved that Senate Bill 1179 be reported out of committee with the recommendation that the bill be referred to the Senate Committee on Appropriations. 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 Jones placed before the committee House Bills 4834, 4851, 4853, & 4856 (Reps. Haines, Cavanagh, McBroom, & Glardon). Senator Jones announced that there were substitutes for House Bills 4834 and 4851 for consideration. Senator Jones explained the bill package to committee members and answered questions. Senator Jones also explained the amendment he was offering to the S-1 substitute for House Bill 4834.

The following persons submitted cards, but did not testify, on House Bills 4834, 4851, 4853, & 4856:

- Matthew Abel, Director of Michigan NORML—Oppose (all bills)
- Rick Thompson, representing the Medical Marijuana Radio Show—Oppose (HB 4851, 4856)
- Richard Clement, representing Ingham County NORML—Oppose (all bills), (also submitted written testimony on file with the clerk)
- Noah Smith, representing the Criminal Defense Attorneys of Michigan—Oppose (HB 4834), Support (HB 4851, 4853), Neutral (HB 4856)
- Shelly Edgerton, representing the Department of Licensing and Regulatory Affairs—Support (all bills)
- Tim Beck, representing the Coalition for a Safer Detroit—Support (HB 4834), Neutral (HB 4851)
- David Brogren, representing Cannabis Patients United—Oppose (HB 4851, 4834, 4856)
- Mark Leasure, representing RC Randall—Oppose (all bills)
- Steven Sharpe, citizen—Oppose (all bills)
- Daniel Solano, citizen—Oppose (all bills), (also submitted written testimony on file with the clerk)
- Joe Cain, citizen—Oppose (all bills)
- Joseph Romano, citizen—Oppose (all bills)
- Gersh Avery, citizen—Oppose (all bills)

Senator Jones moved to adopt Amendment #1 to the S-1 Substitute to House Bill 4834. 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 Jones moved to adopt the S-1 Substitute as amended to House Bill 4834. 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 Jones moved that House Bill 4834 S-1 as amended as a clean substitute 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4834 S-1 as amended as a clean substitute be given immediate effect by unanimous consent.

Senator Bieda offered and explained his amendment to the S-1 Substitute to House Bill 4851.

Senator Bieda moved to adopt Amendment #1 to the S-1 Substitute to House Bill 4851. The motion failed by a vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senator Bieda (1/4)

Nays: Senators Jones, Schuitmaker, Rocca (3)

Pass: none (0)

Absent: none (0)

Senator Jones moved to adopt the S-1 Substitute to House Bill 4851. 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 (3/4)

Nays: Senator Bieda (1)

Pass: none (0)

Absent: none (0)

Senator Jones moved that House Bill 4851 S-1 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 (3/4)

Nays: Senator Bieda (1)

Pass: none (0)

Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4851 S-1 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 4853 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4853 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 4856 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 4856 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bills 5225, 5498 & 5499 (Reps. Opsommer, LeBlanc & Franz). Senator Jones announced that there was a substitute to House Bill 5499.

The following persons submitted cards, but did not testify, on House Bills 5225, 5498 & 5499:

- Mary Lovik, representing the Michigan Domestic Violence and Sexual Assault Prevention and Treatment Board—Oppose
- Kathy Hagiman, representing the Michigan Coalition to End Domestic and Sexual Violence—Oppose
- Chris Hawkins, representing the Michigan State Police—Oppose
- Isabelle Terry, citizen—Support

Senator Jones moved that House Bill 5225 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 (3/4)
Nays: Senator Bieda (1)
Pass: none (0)
Absent: none (0)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5225 be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5498 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5498 be given immediate effect by unanimous consent.

Senator Jones moved to adopt the S-1 Substitute to House Bill 5499. 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 Jones moved that House Bill 5499 S-1 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5499 S-1 be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 10:47 a.m.

Date Approved by Committee: September 11, 2012

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