

2015/2016 At the Capitol

The results of all Board and Assembly votes on proposals to support or oppose legislation will be posted on the State Bar website as soon as possible after the vote and published in the next *Michigan Bar Journal*. A comprehensive list of all State Bar positions can be found on the website at www.michbar.org/publicpolicy/home.

The vote by which the position on a bill was adopted will be listed, if not unanimous. Any member who would like more information concerning the rationale for positions taken can refer to the website at www.michbar.org/publicpolicy/home or contact Peter Cunningham at the State Bar of Michigan, 306 Townsend St., Lansing, MI 48933-2012, (800) 968-1442. For the most current status information, visit www.michiganlegislature.org.

HB 4548 (Kosowski) Criminal procedure, evidence; Children, protection. Criminal procedure; evidence; consideration of video-recorded statements in certain proceedings; allow. Amends sec. 2163a of 1961 PA 236 (MCL 600.2163a).

HB 4549 (Santana) Children, protection; Courts, probate court; Criminal procedure, evidence. Children; protection; video-recorded statements; allow to be used in child protective services hearings, increase fines for improper release of, and require to be retained for certain period of time. Amends sec. 17b, ch. XIII of 1939 PA 288 (MCL 712A.17b).

POSITION: Support the bills concerning their improvement of the functioning of the court, but take no position on the increased penalties.

SB 0251 (Proos) Courts, other; Juveniles, criminal procedure. Courts; other; consent calendar for juveniles; create. Amends sec. 11, ch. XIII of 1939 PA 288 (MCL 712A.11) & adds sec. 2f to ch. XIII.

POSITION: Support with amendments that would provide for the inclusion of an attorney for the juvenile in the proceedings.

SB 0386 (Casperson) Traffic control, violations. Traffic control; violations; prohibition on courts taking under advisement certain offenses committed by a person while operating a commercial motor vehicle or a person licensed to operate a commercial motor vehicle while operating a noncommercial motor vehicle; reinstate. Amends sec. 732 of 1949 PA 300 (MCL 257.732).

POSITION: Support

In the Hall of Justice

Proposed Amendment of Rule 2.403 of the Michigan Court Rules (ADM File No. 2015-09)—Case Evaluation (See *Michigan Bar Journal* August 2015, p 72.)

STATUS: Comment Period Expires 9/1/15;

Public Hearing to Be Scheduled

POSITION: Support with additional amendments: (1) retain the word "attorney" before the word "fee," (2) not adding the word "legal" before "services," and (3) adding the phrase "including the time and labor of any legal assistant as defined by MCR 2.626" to the end of MCR 2.403(O)(6)(b).

Proposed Amendment of Rule 2.506 of the Michigan Court Rules (ADM File No. 2014-40)—Subpoena; Order to Attend (See *Michigan Bar Journal* June 2015, p 78.)

STATUS: Comment Period Expired 8/1/15;

Public Hearing to Be Scheduled

POSITION: Support with further amendment to change "48 hours" to "2 business days."

Proposed Amendment of Rule 3.101 of the Michigan Court Rules (ADM File No. 2015-07)—Garnishment After Judgment (See *Michigan Bar Journal* July 2015, p 64.)

STATUS: Comment Period Expires 9/1/15;

Public Hearing to Be Scheduled

POSITION: Support

Proposed Adoption of Rule 3.617 of the Michigan Court Rules (ADM File No. 2014-31)—Delayed Registration of Foreign Birth (See *Michigan Bar Journal* June 2015, p 78.)

STATUS: Comment Period Expired 8/1/15;

Public Hearing to Be Scheduled

POSITION: Support

Proposed Amendment of Rule 7.209 of the Michigan Court Rules (ADM File No. 2013-26)—Bond; Stay of Proceedings (See *Michigan Bar Journal* June 2015, p 80.)

STATUS: Comment Period Expired 8/1/15;

Public Hearing to Be Scheduled

POSITION: Support Alternative B

Model Criminal Jury Instructions 11.16 and 11.30—(See *Michigan Bar Journal* June 2015, p 76.)

STATUS: Comment Period Expires 9/1/15

POSITION: Support

Model Criminal Jury Instructions 15.1, 15.1a, 15.5, 15.6, 15.6a, and 15.7a—(See *Michigan Bar Journal* June 2015, p 76.)

STATUS: Comment Period Expires 9/1/15

POSITION: Support

Michigan Indigent Defense Commission

Proposed Standards 1. Education and Training of Defense Counsel; 2. Initial Interview; 3. Investigation and Experts; 4. Counsel at First Appearance (<http://michiganidc.gov/standards>)

STATUS: Comment Period Expired 8/7/15

POSITION: Support with amendments