

CRIMINAL ISSUES INITIATIVE

Respectfully submits the following position on:

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SB 0251

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The Criminal Issues Initiative is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Issues Initiative only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support the bill with amendments that would provide for the inclusion of an attorney for the juvenile in the proceedings.

The total membership of the Criminal Issues Initiative is 8.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 8. The number who voted in favor to this position was 5. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of committee:**

Criminal Issues Initiative

Contact persons:

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Bill Number:

[SB 0251](#) (Proos) Courts; other; consent calendar for juveniles; create. Amends sec. 11, ch. XIIA of 1939 PA 288 (MCL 712A.11) & adds sec. 2f to ch. XIIA.

Date position was adopted:

June 18, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

8

Number who voted in favor and opposed to the position:

5 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote (absent)

Position:

Support with Amendment

Explanation of the position, including any recommended amendments:

The Initiative voted unanimously to adopt the position of the Criminal Jurisprudence & Practice Committee, which states the following:

The committee voted unanimously (11) to support SB 0251 S-1 with the amendment to Subsection 6, highlighting the juvenile's attorney allowance at the conference:

(6) The court shall conduct a consent calendar conference with the juvenile, the juvenile's attorney (if any) and the juvenile's parent, guardian, or legal custodian to discuss the allegations. The prosecuting attorney and victim may be, but are not required to be, present.

There is a concern as to the lack of mention of a defense attorney for the juvenile in Subsection (6). The committee feels that it should be explicit that the juvenile's attorney is present.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-SB-0251>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys**
- ✓ **The improvement of the functioning of the courts**
- The availability of legal services to society**
- The regulation of attorney trust accounts**
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.**

Keller-permissible explanation:

The committee agreed that the bill was Keller permissible due to affecting the function of the courts. The bill would allow the court to "transfer a case from the formal calendar to the consent calendar at any time before disposition."