

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE
Respectfully submits the following position on:

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HB 4209 and HB 4210

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee 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 bills.

The total membership of the Criminal Jurisprudence & Practice Committee is 16.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 16. The number who voted in favor to this position was 9. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence & Practice Committee

Contact person:

Nimish R. Ganatra

E-Mail:

ganatran@ewashtenaw.org

Bill Numbers:

[HB 4209](#) Courts; juries; juror compensation; increase. Amends sec. 1344 of [1961 PA 236](#) (MCL [600.1344](#)).

[HB 4210](#) Courts; juries; increase in juror compensation; provide for. Amends sec. 151e of [1961 PA 236](#) (MCL [600.151e](#)).

Date position was adopted:

April 7, 2017

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:

16

Number who voted in favor and opposed to the position:

9 Voted for position

0 Voted against position

0 Abstained from vote

7 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

The committee voted unanimously to support HB 4209 and HB 4210.

As introduced, these mimic the versions reported from the House Judiciary Committee last September - \$30/first day, \$45/subsequent days. The committee also supported that bill in principle with the condition that the juror compensation fund used to reimburse the counties be fully funded. The State Bar of Michigan also voted to support HB 4561 (2015-2016 Legislative Session) if adequate funds are available in the Juror Compensation Fund to cover the increased costs.

At this time the Juror Compensation Reimbursement Fund surplus has grown because there are fewer jury trials and because there have been greater efficiencies in juror appearances that have reduced the need for jurors to come to the courthouse. While the proposed increase could swallow up the surplus over time, the formula in the bill that can act like a “sunset” if the Juror Compensation Reimbursement Fund balance cannot cover the \$30/\$45 per diem rates.

The committee supports these bills as drafted.

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?2017-HB-4209>

<http://legislature.mi.gov/doc.aspx?2017-HB-4210>

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 this bill is Keller permissible in that jurors are imperative to the functioning of the court, and paying jurors adequately for their time would increase the jury pool.