

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

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SB 0386

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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 bill.

The total membership of the Criminal Jurisprudence & Practice Committee is 18.

The position was adopted after discussion and vote at a scheduled meeting and a further e-vote. The number of members in the decision-making body is 18. The number who voted in favor to this position was 12. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Bill Number:

[SB 0386](#) (Casperson) 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](#)).

Date position was adopted:

June 18, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting, and a further e-vote.

Number of members in the decision-making body:

18

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

1 Abstained from vote

5 Did not vote (absent)

Position:

Support

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-0386>

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 was Keller permissible in its affecting the functioning of the courts, as it deals with the diversionary programs available through problem-solving courts. The State Court Administrative Office testimony before legislative committee notes that “the importance of non-CDL driver offense delay, etc. to the success of problem solving courts, cannot be underestimated. It is the main incentive for an offender to join the program and not re-offend.”