

CRIMINAL LAW SECTION

Respectfully submits the following position on:

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HB 4479

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The Criminal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Criminal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Criminal Law Section is 2,640.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 25. The number who voted in favor to this position was 18. The number who voted opposed to this position was 2.

Report on Public Policy Position

Name of section:

Criminal Law Section

Contact person:

William Caprathe, Secretary

E-Mail:

bcaprathe@netscape.net

Bill Number:

[HB 4479](#) (Price) Crimes; assaultive; assault of a pregnant woman; increase penalties under certain circumstances. Amends sec. 81 of [1931 PA 328](#) (MCL [750.81](#)).

Date position was adopted:

May 19, 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:

25

Number who voted in favor and opposed to the position:

18 Voted for position

2 Voted against position

0 Abstained from vote

5 Did not vote (absent)

Position:

Oppose

Explanation of the position, including any recommended amendments:

- 1.) Should not be categorized in the domestic violence section of the statutes.
- 2.) There are unintended collateral consequences that are predictable.
- 3.) It is a strict liability crime, even if the defendant did not know the victim was pregnant.

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-HB-4479>

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.