

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

\*

SB 0151

\*

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. The number of members in the decision-making body is 18. The number who voted in favor to this position was 13. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice

**Contact persons:**

Nichole Jongsma Derks

J. Kevin McKay

**E-Mail/Phone:**

[nderks@fosterswift.com](mailto:nderks@fosterswift.com)

[kevin.mckay@kentcountymi.gov](mailto:kevin.mckay@kentcountymi.gov)

**Bill Numbers:**

[SB 0151](#) (Bieda) Criminal procedure; DNA; filing deadline for petition seeking review of DNA evidence; remove sunset. Amends sec. 16, ch. X of [1927 PA 175](#) (MCL [770.16](#)).

**Date position was adopted:**

March 12, 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:**

18

**Number who voted in favor and opposed to the position:**

13 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

The committee voted unanimously (13) to support the bill.

**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-0151>

**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:**

SB 151 is Keller permissible under affecting the functioning of the court because a defendant petitions the “circuit court to order DNA testing of biological material identified during the investigation,” and the test results may result in a new trial.