

Report on Public Policy Position

Name of committee:

Civil Procedure & Courts Committee

Contact person:

Daniel D. Quick

E-Mail:

dquick@dickinsonwright.com

Bill Number:

[HB 4844](#) (Pettalia) Civil procedure; personal protection orders; statewide personal protection order registry; create, and provide for law enforcement information network (LEIN) access. Amends secs. 2950 & 2950a of [1961 PA 236](#) (MCL [600.2950](#) & [600.2950a](#)) & adds sec. 2950n.

Date position was adopted:

November 5, 2011

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:

20

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Committee opposes the bill for the following reasons: (a) establishing a public forum for court-issued orders will inevitably lead to increased activity for the courts (e.g., a victim who does not want the fact that she is being harassed made part of an easily available public website), which are already over-burdened; and (b) because many PPOs are issued either ex parte or with minimal due process (especially when compared to the due process involved for the analogous public posting of convictions for sex offenders), there is a concern with a public posting given unclear public interest in such orders and the significant burden of various local agencies to both post and then also update all PPO information, which can be rather voluminous, with ever-changing expiration dates.

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?2011-HB-4844>

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:

Requiring personal protection orders to be in the Law Enforcement Information Network (LEIN) system for ten years promotes increased litigation and congestion in the courts by the rippling effect via respondents seeking to undo erroneously issued or continued personal protection orders and increased litigation due to action or non-action effecting respondents by unrelated third parties relying on information in LIEN.