

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

\*  
SB 0518

\*

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. The State Bar of Michigan has authorized the Criminal Jurisprudence & Practice Committee to advocate its position.

The State Bar of Michigan's position on this matter is to oppose the bill.

The total membership of the Criminal Jurisprudence & Practice Committee is 15.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 14. 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 0518](#) (Proos) Traffic control, traffic regulation; Courts, other. Traffic control; traffic regulation; use of vehicle boots for failure to satisfy certain court obligations; allow. Amends sec. 4803 of 1961 PA 236 (MCL 600.4803).

**Date position was adopted:**

October 10, 2013

**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:**

15

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

14 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

**Position:**

Oppose

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

The committee voted unanimously to oppose SB 0518. While this gives the court another remedy to collect money owed, there are too many problems with this bill. First, the bill does not say who pays the cost of immobilization [the court or person owing the money] and how that will be paid. Second, what happens when the main driver of the vehicle is not the titled owner, and what about if a person has multiple vehicles? Finally, if a person depends on the vehicle to get to work, then the ability to pay the fine is removed when it is immobilized. This thwarts the whole intent of 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?2013-SB-0518>

**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:**

This affects the functioning of the courts because it is a court-ordered booting for a court-owed fee.