



## Report on Public Policy Position

**Name of Committee:**

Domestic Violence Committee

**Contact Person:**

Charlotte Allen

**Phone:**

989-832-8096

**Bill Number:**

**HB 5421** (Pavlov) Criminal procedure; sentencing; penalties for certain sex offenders; clarify. Amends sec. 520b of 1931 PA 328 (MCL 750.520b). TIE BAR WITH: HB 5422'05

**Date position was adopted:**

12-17-2005

**Process used to take the ideological position:**

Discussion and vote of committee members

**Number of members in the decision-making body:**

11

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

11 opposed

**Position:**

Oppose in principle

**The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:**

[http://www.legislature.mi.gov/\(e2mxpj454ynsmp2nb5vnko55\)/mileg.aspx?page=BillStatus&objectname=2005-HB-5421](http://www.legislature.mi.gov/(e2mxpj454ynsmp2nb5vnko55)/mileg.aspx?page=BillStatus&objectname=2005-HB-5421)

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:****Arguments for the position:**

This legislation would create a mandatory minimum sentence of 25 years for individuals convicted of criminal sexual conduct while armed or by force or coercion. This bill would deny victims' access to justice because all such cases would go to trial as there would be little to no incentive for defendants to plead guilty. Therefore, given the difficulty in prosecuting sex crimes, fewer prosecutors may be willing to charge cases if they believe that every case, particularly those without physical evidence, will go to trial.

**Arguments against the position (if any):**

None provided.

**If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.**

As of January 20, 2006, the State Bar of Michigan's position is oppose in principle.

**Fiscal implications of the recommended policy to the State Bar of Michigan:**

None

**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:**

Not provided.