



## Report on Public Policy Position

**Name of Committee:**

Committee on Justice Initiatives

**Contact Person:**

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**Bill Number:**

HB 5337 (Jones) Military affairs; other; waiver from "administrative hearings" while deployed or serving on active duty; provide for. Amends sec. 117 of 1967 PA 150 (MCL 32.517).

**Date position was adopted:**

3/21/06

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

Conference call with 13 committee members in attendance.

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

16

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

All in favor: 9

**Position:**

The Justice Policy Initiative unanimously supports the adoption of HB 5337.

**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:**

"Michigan Military Act"

[http://www.legislature.mi.gov/\(a05hnm55h1j0jh55itxspz2r\)/mileg.aspx?page=BillStatus&objectname=2005-HB-5337](http://www.legislature.mi.gov/(a05hnm55h1j0jh55itxspz2r)/mileg.aspx?page=BillStatus&objectname=2005-HB-5337)

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

The Justice Policy Initiative of the State Bar of Michigan supports the proposed bill because it increases access to the courts and allows the opportunity for meaningful representation of individuals who are unable to do so while in active military service. As an example a utility bill may be an account of a soldier in active duty overseas with a family in Michigan who may be adversely effected.

The bill would amend the Michigan Military Act to treat administrative hearings involving officers or enlisted personnel who are serving on active duty in the same manner as lawsuits. Specifically, administrative hearings in the state would stand adjourned for a period of six months after their service ceases. Further, the same individuals would be privileged from arrest and imprisonment for this same time period after their service ceases except for treason, felony or breach of the peace. Public utility shutoffs and forfeiture of executory contracts would not be commenced or enforced against the individual for a period of 90 days.

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

Not 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.**

At its April 2, 2006 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to support in principle HB 5337.

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

Not provided.

**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.