

**State Bar of Michigan
Criminal Jurisprudence and Practice Committee
February 19, 2010 at 2:00 p.m.
at the State Bar of Michigan Building
Teleconference Option: 1-800-270-1153, Passcode is 134891#.**

MINUTES

Committee Members: John C. Boufford, Haytham Faraj, Abed E. Hammoud, James W. Heath, Hon. David A. Hoort, Adam D. Mittman, Angela Povilaitis, Gretchen A. Schlaff

Committee Advisors: J. Kevin McKay

Committee Commissioner: Thomas C. Rombach

SBM Staff: Carrie Sharlow

1. Call to Order & Welcome
2. Approval of Minutes – The minutes were approved unanimously.
3. Old Business
 - a. Juvenile Competency

[HB 5174](#) (Segal) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends sec. 1, ch. XIIA of [1939 PA 288](#) (MCL 712A.1) & adds secs. 18n, 18o, 18p, 18q & 18r to ch. XIIA.
Status: 07/14/09 Referred to House Judiciary

[HB 5175](#) (Schuitmaker) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends [1974 PA 258](#) (MCL [330.1001](#) - [330.2106](#)) by adding secs. 1060, 1060a, 1060b, 1062, 1064, 1066, 1068 & 1070.
Status: 07/14/09 Referred to House Judiciary

[HB 5482](#) (Liss) Mental health; forensic; restoration of juvenile to competency to proceed; clarify. Amends [1974 PA 258](#) (MCL [330.1001](#) - [330.2106](#)) by adding secs. 1060c & 1072.
Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5483](#) (Kowall) Juveniles; criminal procedure; restoration of juvenile to competency to proceed; clarify. Amends sec. 1, ch. XIIA of [1939 PA 288](#) (MCL 712A.1) & adds sec. 18s.
Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5484](#) (Segal) Juveniles; criminal procedure; certain statements made during juvenile competency evaluation; clarify. Amends [1939 PA 288](#) (MCL [710.21](#) - 712A.32) by adding sec. 18r to ch. XIIA.
Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5485](#) (Lipton) Juveniles; criminal procedure; juvenile competency definitions; clarify. Amends sec. 1, ch. XIIA of [1939 PA 288](#) (MCL 712A.1).
Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5486](#) (Crawford) Juveniles; criminal procedure; juvenile competency hearing; require. Amends [1939 PA 288](#) (MCL [710.21](#) - 712A.32) by adding sec. 18q to ch. XIA. Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5487](#) (Byrnes) Juveniles; criminal procedure; juvenile competency and evaluation; clarify. Amends [1939 PA 288](#) (MCL [710.21](#) - 712A.32) by adding sec. 18n to ch. XIA. Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5488](#) (Bauer) Juveniles; criminal procedure; juvenile competency evaluation; require use of a qualified examiner. Amends [1939 PA 288](#) (MCL [710.21](#) - 712A.32) by adding sec. 18o to ch. XIA. Status: 12/03/09 Before House Judiciary: Mental Health

[HB 5489](#) (Haase) Juveniles; criminal procedure; juvenile competency evaluation and report; clarify. Amends [1939 PA 288](#) (MCL [710.21](#) - 712A.32) by adding sec. 18p to ch. XIA. Status: 12/03/09 Before House Judiciary: Mental Health
Liaisons: Hon. David Hoort and Abed E. Hammoud

The committee members in attendance offered the motion to take a position of support with recommended amendments regarding what constitutes a qualified examiner, who bears the cost of evaluation, and the issue of age of competency. This will go before the full committee for an e-vote.

b. Prosecutor Court Fees

[HB 5371](#) (Constan) Courts; other; certain court fees; exempt prosecuting attorneys from paying. Amends secs. 321 & 2529 of [1961 PA 236](#) (MCL [600.321](#) & [600.2529](#)). Status: 09/15/09 Referred to House Judiciary
Liaisons: Angela M. Povilaitis and Daniel Corrigan Grano

The committee members in attendance offered the motion to take a position of support. This will go before the full committee for an e-vote.

c. Eligibility for Jury Service

[HB 5601](#) (Jackson) Courts; juries; individuals who fail to return jury questionnaires; ensure continued eligibility for jury service. Amends sec. 1313 of [1961 PA 236](#) (MCL [600.1313](#)). Status: 11/12/09 Referred to House Judiciary
Liaisons: Samuel R. Smith, III and Kimberley Reed Thompson

The committee members in attendance offered the motion to take a position of support. This will go before the full committee for an e-vote.

d. Assessments of Criminals

[HB 5661](#) (McDowell) Crime victims; other; assessments against certain criminal defendants and juvenile offenders; increase. Amends sec. 5 of [1989 PA 196](#) (MCL [780.905](#)). Status: 12/08/09 Referred to House Judiciary
Liaisons: John A. Jarema and Michael Howard Gordner

The committee members in attendance voted to table this bill.

e. Statute of Limitations

[HB 5699](#) (Kennedy) Civil procedure; statute of limitations; civil action for damages resulting from criminal sexual conduct against a minor; extend tolling of statute of limitations. Amends secs. 5838a & 5851 of [1961 PA 236](#) (MCL [600.5838a](#) & [600.5851](#)).
Status: 12/08/09 Referred to House Judiciary
Liaisons: James W. Heath and John C. Boufford

The committee members in attendance voted to pass on this bill.

- f. Jury Service
[HB 5783](#) (Meadows) Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students. Amends sec. 1335 of [1961 PA 236](#) (MCL [600.1335](#)).
Status: 02/04/10 Referred to House Judiciary
Liaisons: Samuel R. Smith, III and Kimberley Reed Thompson

The committee members in attendance offered the motion to take a position of support.
This will go before the full committee for an e-vote.

4. Reports from Other Committees
5. Adjournment.