

PRISONS & CORRECTIONS SECTION
Respectfully submits the following position on:

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HB 4264

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The Prisons & Corrections Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Prisons & Corrections Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Prisons & Corrections Section is 140.

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 12. The number who voted opposed to this position was 0. The number who abstained was 1.

Report on Public Policy Position

Name of section:

Prisons & Corrections Section

Contact person:

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Bill Number:

[HB 4264](#) (Leonard) Criminal procedure; sentencing; consecutive sentencing for financial exploitation of vulnerable adult; allow. Amends sec. 174a of [1931 PA 328](#) (MCL [750.174a](#)).

Date position was adopted:

April 6, 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:

12 Voted for position

0 Voted against position

1 Abstained from vote

2 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

This legislation would permit consecutive sentencing for offenses involving vulnerable adult fraud. The Section opposes the legislation for various reasons: consecutive sentences tend to negate sentencing guidelines, they have little if any deterrent effect, they distort prosecution decision-making, there are no standards to guide sentencing judges when to impose consecutive sentences, there is no effective means of appellate review of the decision to impose consecutive sentences, and such sentences adversely impact MDOC budgets.

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-HB-4264>