

CRIMINAL LAW SECTION  
Respectfully submits the following position on:

\*

HB 5078

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The Criminal Law 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 Criminal Law Section only and is not the position of the State Bar of Michigan.

The State Bar's position on this matter is support.

The total membership of the Criminal Law Section is 2,186.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 25. The number who voted in favor to this position was 16. The number who voted opposed to this position was 3. The number who abstained was 0.

## Report on Public Policy Position

**Name of Section:**

Criminal Law Section

**Contact person:**

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**Bill Number:**

[HB 5078](#) (Haveman) Criminal procedure, sentencing guidelines. Criminal procedure; sentencing guidelines; sentencing guidelines commission; reestablish. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding secs. 32 & 33 to ch. IX.

**Date position was adopted:**

November 19, 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:**

25

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

16 Voted for position

3 Voted against position

0 Abstained from vote

6 Did not vote

**Position:**

Support

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

The Council's position reflects that the legislation reinstates a sentencing guidelines commission, and the benefit of analysis and anticipated rational sentencing policy.

**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-5078>

**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 bill would affect the functioning of the courts in the commission's collection, preparation, and analyzing of state and local sentencing practices. The commission would cooperate with the State Court Administrator's Office and the various courts in collecting data. Any modifications made to sentencing guidelines would directly affect a judge's ruling in particular cases.