

CRIMINAL LAW SECTION
Respectfully submits the following position on:

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HB 5155

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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 in 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 26. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0. The number who abstained was 1.

Report on Public Policy Position

Name of Section:

Criminal Law Section

Contact person:

Stephen Gobbo

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Bill Number:

[HB 5155](#) (Walsh) Courts; district court; probable cause conferences in felony and misdemeanor cases; clarify district court's jurisdiction. Amends secs. 8311 & 8511 of 1961 PA 236 (MCL 600.8311 & 600.8511) & repeals sec. 2167 of 1961 PA 236 (MCL 600.2167).

Date position was adopted:

December 17, 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:

26

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

1 Abstained from vote

10 Did not vote

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

The Council's position reflects support of the Bill with the recommendation of removal of authority for a magistrate to conduct examinations or probable cause conferences. It is recognized by the Council that many magistrates are not attorneys.

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-5155>

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:

HB 5155 affects the functioning of the courts in its clarification of a district court's jurisdiction.