

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE
Respectfully submits the following position on:

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HB 5055

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee. The State Bar of Michigan has authorized the Criminal Jurisprudence & Practice Committee to advocate its position.

The State Bar of Michigan's position on this matter is opposition.

The total membership of the Criminal Jurisprudence & Practice Committee is 15.

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 7. The number who voted opposed to this position was 2.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Bill Numbers:

[HB 5055](#)(Johnson, J.) Criminal procedure, warrants; Criminal procedure, arrests; Courts, district court. Criminal procedure; warrants; defraying of costs incurred by local unit of government in executing bench warrants; allow. Amends sec. 1f, ch. IX of 1927 PA 175 (MCL 769.1f).

Date position was adopted:

November 14, 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:

7 Voted for position

2 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The committee voted to oppose the bill (7 in favor of this position and 2 in opposition), viewing it as an unrealistic source of funding and another fee on indigents.

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-5055>

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:

The committee agreed that this bill was Keller permissible. This bill would affect the functioning of the courts. As an example, the City of Flint is short of police officers. When the officer does go out to pick up a person with a bench warrant and the charge isn't serious (eg. murder), that individual is usually arraigned and returns home. If there was a funding mechanism—as addressed in this bill—the police officers would be able to pick up more persons who have an outstanding bench warrant. This, in turn, would both create more work for the court and begin to clear its docket.