

## CRIMINAL LAW SECTION

Respectfully submits the following position on:

\*

HB 5190

\*

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.

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

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

## Report on Public Policy Position

**Name of Section:**

Criminal Law Section

**Contact person:**

Stephen Gobbo

**E-Mail:**

[sgobbo@gobbolaw.com](mailto:sgobbo@gobbolaw.com)

**Bill Number:**

[HB 5190](#) (Lauwer) Criminal procedure; habitual offenders; use of certain prior juvenile offenses for purposes of determining status as habitual offender; allow. Amends secs. 10, 11, 12 & 13, ch. IX of [1927 PA 175](#) (MCL [769.10](#) et seq.).

**Date position was adopted:**

January 21, 2014

**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:**

21 Voted for position

2 Voted against position

0 Abstained from vote

3 Did not vote

**Position:**

Oppose

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

The position reflects the council's concern about use of prior juvenile offenses for determining status as a habitual offender. It is recognized a prosecutor may charge a juvenile with a more serious offense as a matter of practice. This rather than electing to only charge as a juvenile, which would signal a reason to not apply habitual offender status.

**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?2014-HB-5190>