

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

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SB 0931 – SB 0932

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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 to support.

The total membership of the Criminal Jurisprudence & Practice Committee is 14.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 14. The number who voted in favor to this position was 11. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Bill Number:

[SB 0931](#)(Jones) Criminal procedure, warrants; Criminal procedure, arrests; Criminal procedure, search and seizure; Courts, district court. Criminal procedure; warrants; district court magistrate to issue arrest warrant or search warrant electronically; allow. Amends secs. 1, 3 & 5 of 1966 PA 189 (MCL 780.651 et seq.).

[SB 0932](#)(Jones) Courts, judges; Courts, district court. Courts; judges; district court magistrates to decide motions to set aside default and requests to withdraw admission in civil infraction cases; allow under certain circumstances. Amends secs. 8511, 8512, 8512a & 8513 of 1961 PA 236 (MCL 600.8511 et seq.).

Date position was adopted:

June 12, 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:

14

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The committee voted unanimously to support SB 931 with the correction of a typo found on Page 4, Sec. 3. (b), where the magistrate in question is referred to as a “judge or district magistrate,” instead of a “judge or district court magistrate.”

The committee also voted unanimously to support SB 932 as it passed the Senate.

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-SB-0931>

<http://legislature.mi.gov/doc.aspx?2014-SB-0932>

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 the bills are Keller permissible in that they affect the functioning of the court by allowing district court magistrates to issue arrest or search warrants electronically, and decided motions. SB 932 further grants “judicial immunity to a district court magistrate for acts expressly authorized by the chief judge and by law.”