

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

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Bill Number:

[HB 5260](#) (Constan) Criminal procedure; search and seizure; warrants authorizing electronic interception or recording of communications; revise certain procedures for. Amends [1966 PA 189](#) (MCL [780.651](#) - [780.659](#)) by adding sec. 2b.

Date position was adopted:

February 14, 2008

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:

23

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The committee members unanimously opposed this legislation for several reasons. First, it is not always possible that the judge to whom the case is assigned would be available to sign a warrant. Second, if that judge is unavailable, then the agency requesting the warrant has no alternative but to wait for that judge's availability, which may impact the ability to obtain the information for which the warrant request is being filed. Finally, this legislation would require all judges to be on call at all times instead of the usual practice of having judges rotate in on call availability.

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?2007-HB-5260>

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 legislation directly affects the functioning of the courts.