

**State Bar of Michigan
Criminal Jurisprudence and Practice Committee
Thursday, February 13, 2014 – 1 to 3 PM
State Bar of Michigan Building, 306 Townsend Street, Lansing, MI**

MINUTES

Committee Members: Ryan Lee Berman, Nichole Jongsma Derks, Nimish R. Ganatra, Daniel Corrigan Grano, James W. Heath, J. Kevin McKay, Julia F. Norton, Julia A. Powell, Jonathan Sacks, Gretchen A. Schlaff, Samuel R. Smith III, Michael A. Tesner, Bruce A. Timmons

Advisor: Donna McKneelen

SBM Staff: Peter Cunningham, Carrie Sharlow

1. Call to Order & Welcome – The meeting was called to order at 1:04 PM.
2. Meeting Minutes from December 12, 2013 meeting – The minutes were unanimously approved.
Meetings Minutes from January 9, 2014 meeting – The minutes were unanimously approved.
3. New Business

a. [ADM File No. 2012-03 - Amendment of MCR 1.111](#)

The amendments of MCR 1.111 make technical revisions and insert an interim review process for cases in which a court denies a request for an interpreter or orders reimbursement of interpretation costs. These revisions are adopted with immediate effect, but pending public comment and a future public hearing.

Issued: January 29, 2014

Comment Period Expiration: May 1, 2014

Liaison: Samuel R. Smith III

The committee will take no position.

b. [HB 5238](#) (Kowall) Criminal procedure; expunction; set-aside of certain criminal records for victims of human trafficking; provide for. Amends secs. 1, 2 & 4 of [1965 PA 213](#) (MCL [780.621](#) et seq.).

Liaison: Bruce A. Timmons

The committee voted 11 to 1 to support the bill.

c. [HB 5246](#) (Rogers) Criminal procedure; warrants; use of electronic video equipment for issuance of warrants; allow for law enforcement officials. Amends sec. 1, ch. IV of [1927 PA 175](#) (MCL [764.1](#)).

Liaison: Michael A. Tesner

The committee voted 11 in favor with one abstention to oppose the bill as fixing a problem that does not exist and increasing problems in the issuance of warrants.

d. [HB 5270](#) (McMillin) Law enforcement, investigations; Law enforcement, communications. Law enforcement; investigations; electronic video recording of child interrogations; require. Amends 1975 PA 238 (MCL 722.621 - 722.638) by adding sec.

[HB 5271](#) (Kosowski) Criminal procedure, evidence; Children, protection. Criminal procedure; evidence; consideration of videorecorded statements in certain proceedings; allow. Amends sec. 2163a of 1961 PA 236 (MCL 600.2163a).

[HB 5272](#) (Hooker) Children, protection; Courts, probate court; Criminal procedure, evidence. Children; protection; videorecorded statements; allow to be used in child protective services hearings, increase fines for improper release of, and require to retain for certain period of time. Amends sec. 17b, ch. XIA of 1939 PA 288 (MCL 712A.17b).

Laisions: Mary Alexis Bowen, Nimish R. Ganatra, Nichole Jongsma Derks

The committee voted unanimously support these bills with a suggested amendment that the video recording be returned to the custodian for the required period of time rather than the court.

4. Reports

- a. Criminal Jury Instructions –
If there are cases that anyone is trying where there are no jury instructions, please let the Criminal Jury Instructions Committee of the Michigan Supreme Court know.
- b. Criminal Law Section –
The House Judiciary Committee reported out HB 5154 and HB 5155. HB 5154 is a substitute which CDAM and SBM supported.
The Juvenile Lifer bills are now on their way to the governor.
- c. Indigent Defense –
No update. The governor's proposed budget does include one million dollars for the MIDC.